S. Hrg. 100–446

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1988

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

H.R. 2713

AN ACT MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1988, AND FOR OTHER PURPOSES

BOARD OF EDUCATION
COUNCIL OF THE DISTRICT OF COLUMBIA
COURT SYSTEM
DISTRICT OF COLUMBIA NATIONAL GUARD
OFFICE OF PERSONNEL MANAGEMENT
OFFICE OF THE MAYOR
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

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CONTENTS

DISTRICT OF COLUMBIA

FRIDAY, FEBRUARY 20, 1987

Page
District of Columbia witnesses 1
Office of Personnel Management 35
Washington Metropolitan Area Transit Authority 49

TUESDAY, MAY 5, 1987

Court System 61
Board of Education 115

THURSDAY, MAY 7, 1987

Office of the Mayor 141
Council of the District of Columbia 172

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1988

FRIDAY, FEBRUARY 20, 1987

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:07 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Tom Harkin (chairman) presiding.

Present: Senators Harkin, Grassley, and Reid.

DISTRICT OF COLUMBIA

OFFICE OF THE MAYOR

STATEMENT OF HON. MARION S. BARRY, JR., MAYOR

ACCOMPANIED BY JOHN TOUCHSTONE, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

D.C. COUNCIL

STATEMENT OF NADINE P. WINTER, CHAIRPERSON, COMMITTEE ON PUBLIC WORKS

D.C. NATIONAL GUARD

STATEMENT OF MAJ. GEN. CALVIN FRANKLIN, COMMANDING GENERAL OF D.C. NATIONAL GUARD

OPENING REMARKS

Senator HARKIN. The Subcommittee on Appropriations for the District of Columbia will come to order.

The District of Columbia Subcommittee meets today to see how the Nation's Capital reacts to snow emergencies and to learn more about the coordination of efforts between the District of Columbia and federal government during such emergencies. We also want to know more about what steps can be taken to lessen the impact of future major storms.

This is our seat of government. We cannot afford to have it closed down if there were a national emergency.

I want to add at the outset of this hearing that it is not the purpose to fix blame or to point fingers at any one person or agency, but instead to hear a description of the policies and procedures used by the various levels of government and agencies responsible for public safety and transportation.

We are here because we want to know of what assistance this subcommittee can be to those present to ensure that they have the resources and the authority to respond to future emergencies.

This subcommittee is charged with the responsibility of appropriating moneys to the District of Columbia, and if any assistance or help is needed, or if there is anything that this subcommittee can do to help respond in any way to these future emergencies, we would like to know.

I am pleased to welcome our first panel of witnesses: the Honorable Marion Barry, Mayor of the District of Columbia; the Honorable Nadine Winter, Chairperson of the District of Columbia Council's Committee on Public Works; and Maj. Gen. Calvin Franklin, Commanding General of the D.C. National Guard.

We welcome you to the subcommittee.

Mr. Mayor, please proceed in any way you so desire.

STATEMENT OF MAYOR BARRY

Mayor BARRY. Thank you, Mr. Chairman.

First of all let me welcome you as the new chairman of our subcommittee. As we discussed the other day, we look forward to working with you.

We are also glad to welcome Mr. Grassley to our hearings. We are very proud of our relationship with the subcommittee in the past and we intend to continue that relationship, in partnership.

PREPARED STATEMENT

Mr. Chairman, I would like to ask that my statement be entered into the record as a whole, and I will just excerpt from it.

Senator HARKIN. Without objection, it will be entered in its entirety.

[The statement follows:]

STATEMENT OF MAYOR BARRY

SENATOR HARKIN, AND MEMBERS OF THE SUBCOMMITTEE ON DISTRICT OF COLUMBIA APPROPRIATIONS, I AM PLEASED TO DISCUSS THE SNOW AND ICE REMOVAL PROGRAM OF THE DISTRICT OF COLUMBIA GOVERNMENT, AND IN PARTICULAR, THE SNOW STORMS OF JANUARY 22 AND JANUARY 25, 1987.

LAST MONTH, THE DISTRICT OF COLUMBIA WAS FACED WITH ITS THIRD LARGEST SNOWFALL IN ONE HUNDRED YEARS. I WOULD LIKE TO SHARE WITH YOU THE STEPS TAKEN TO DEAL WITH THOSE BACK-TO-BACK STORMS, THE PROBLEMS ENCOUNTERED, AND THE CHANGES THAT I HAVE MANDATED AS A RESULT OF THE ANALYSIS CONDUCTED IN THE AFTERMATH OF THOSE STORMS.

HEAVY SNOW ACCUMULATION IN THE DISTRICT IS RARE. THE MAJORITY OF THE DISTRICT'S SNOW STORMS INVOLVE ACCUMULATIONS OF LESS THAN FOUR INCHES AND ONLY SHORT PERIODS OF BELOW-FREEZING TEMPERATURES.

FOR YEARS, THE CITY'S SNOW REMOVAL PROGRAM HAS DEPENDED PRIMARILY ON THE USE OF ABRASIVES--SALT AND SAND--IN COMBATING SNOW AND ICE. THE CITY OWNS ABRASIVE SPREADING EQUIPMENT FOR TREATMENT OF MAJOR ARTERIAL ROUTES THROUGHOUT THE DISTRICT. WHEN PLOW OPERATIONS ARE NECESSARY, THE DISTRICT CONTRACTS FOR PRIVATELY-OPERATED PLOWS TO ASSIST ITS 89 MUNICIPAL PLOWS. FOR THE TWO SNOW STORMS LAST MONTH, THE DISTRICT CONTRACTED FOR 170 PLOWS FOR THE FIRST TIME SINCE 1983.

THE DISTRICT GOVERNMENT BUDGETS NEARLY $1 MILLION DOLLARS A YEAR FOR SNOW REMOVAL, WHICH IS A STABLE AND STANDARD START-UP COST FOR THE SNOW SEASON. THESE FUNDS

ARE USED TO PURCHASE SUPPLIES SUCH AS SAND AND SALT, REPLACE SAND BARRELS WHICH ARE PLACED ALONG HILLY AREAS, AND TO PAY INITIAL FEES TO PRIVATE CONTRACTORS.

THESE ARE RELATIVELY FIXED COSTS, BUT THE TOTAL COST FOR A SNOW SEASON DEPENDS UPON THE NUMBER OF TIMES THE CITY HAS TO MOBILIZE, USE PRIVATE OPERATORS, AND PURCHASE ABRASIVE SUPPLIES.

THE DISTRICT'S SNOW REMOVAL EQUIPMENT IS OPERATED BY REGULAR DEPARTMENT OF PUBLIC WORKS STAFF WHO REGULARLY PERFORM OTHER DUTIES. FOR EXAMPLE, THE POTHOLE CREWS AND TRUCKS ARE ASSIGNED TO SPREADING ABRASIVES OR OPERATING PLOWS WHEN IT SNOWS.

TRANSPORTATION IS A REGIONAL ISSUE. IN THE NATION'S CAPITAL, TRANSPORTATION IS ALSO A FEDERAL ISSUE, ESPECIALLY DURING SEVERE SNOW STORMS. NEVER WAS THIS MORE EVIDENT THAN ON JANUARY 22, WHEN THE DISTRICT'S STREET NETWORK BECAME OVERWHELMED WITH AUTOMOBILE AND PEDESTRIAN TRAFFIC. ON THAT DATE, THE U.S. OFFICE OF PERSONNEL MANAGEMENT (OPM) MANDATED THAT ALL FEDERAL EMPLOYEES REPORT TO WORK ON TIME. BUT SHORTLY AFTER THE WORKDAY BEGAN, OPM DECIDED TO ALLOW FEDERAL EMPLOYEES TO LEAVE EARLY. THE EARLY LEAVE WAS NOT STAGGERED, OTHER THAN TO ALLOW VIRGINIA RESIDENTS TO LEAVE AT 10:30 AND MARYLAND AND DISTRICT RESIDENTS TO LEAVE AT 11:30.

WHEN OPM ISSUED ITS STATEMENT, HOWEVER, THE DISTRICT'S STREETS WERE ALREADY CROWDED WITH INBOUND COMMUTERS. MOREOVER, MOST FEDERAL EMPLOYEES LEFT BEFORE THEIR SCHEDULED TIMES. THUS, THE CITY'S STREETS QUICKLY BECAME CROWDED WITH INBOUND AND OUTBOUND TRAFFIC. IN ADDITION, IT SNOWED

THREE INCHES WITHIN ONE HOUR OF THE OPM ANNOUNCEMENT. MR. CHAIRMAN, IT IS IMPOSSIBLE TO PLOW STREETS FILLED WITH CARS. THE MORNING RUSH HOUR BECAME AN ALL-DAY RUSH.

TO COMPOUND THE PROBLEM, OVER 5,000 RIGHT-TO-LIFE DEMONSTRATORS MARCHED NON-STOP FROM THE WHITE HOUSE TO THE U.S. CAPITOL IN THE MIDST OF THE HEAVY SNOW AND FRUSTRATING TRAFFIC. THUS, SOME OF THE CITY'S MAIN NORTH-SOUTH STREETS--3RD, 7TH, 9TH, 11TH, 14TH, 15TH, AND 17TH--WERE AT A STANDSTILL. SOME OF THE DISTRICT'S SNOW REMOVAL EQUIPMENT WAS CAUGHT IN THE ENSUING TRAFFIC JAM FOR THE BETTER PART OF THE DAYLIGHT HOURS.

AS THE CITY BEGAN TO DIG OUT OF THE FIRST SNOW STORM, IT WAS HIT WITH A SECOND STORM ON JANUARY 25. EVEN THOUGH THE DISTRICT AND FEDERAL GOVERNMENTS WERE CLOSED THE FOLLOWING DAY, THE ABANDONED CARS AND CARS PARKED ON SNOW EMERGENCY ROUTES FURTHER HAMPERED SNOW REMOVAL EFFORTS.

I SEE THREE PROBLEMS AS A RESULT OF THESE STORMS: (1) LACK OF COORDINATION BETWEEN THE FEDERAL AND LOCAL GOVERNMENTS; (2) THE NEED FOR GREATER INVOLVEMENT OF THE METROPOLITAN POLICE DEPARTMENT IN SNOW EMERGENCY SITUATIONS; AND, (3) LACK OF KNOWLEDGE AND ENFORCEMENT OF SNOW EMERGENCY LAWS AND REGULATIONS IN THE DISTRICT.

THE WASHINGTON METROPOLITAN COUNCIL OF GOVERNMENTS (COG) MET ON FEBRUARY 5, 1987, TO DISCUSS PROBLEMS OF SNOW REMOVAL IN THE REGION. IN ATTENDANCE WERE REPRESENTATIVES FROM SURROUNDING JURISDICTIONS AND THE FEDERAL GOVERNMENT. AS A RESULT OF THE MEETING, THE U.S. DEPARTMENT OF TRANSPORTATION HAS PLEDGED A GRANT OF $200,000 FOR DEVELOPMENT OF AN EMERGENCY REGIONAL SNOW

REMOVAL PLAN, AS WELL AS ADDITIONAL FUNDS FOR METRO DE-ICING EQUIPMENT. WHAT IS MISSING, MR. CHAIRMAN, IS A COMMITMENT FROM OPM WITH REGARD TO CHANGES IN REPORTING AND DISMISSAL ANNOUNCEMENTS FOR FEDERAL EMPLOYEES. THIS IS NOT THE FIRST TIME SUCH A NEED HAS BEEN RECOGNIZED.

FOLLOWING THE MAJOR SNOWSTORM IN 1983, COG'S PUBLIC SAFETY POLICY COMMITTEE AND POLICE CHIEF TECHNICAL COMMITTEE MET TO DISCUSS SNOW REMOVAL PROBLEMS. THE COMMITTEES FOUND "THE PROBLEMS EXPERIENCED BY AREA LOCAL GOVERNMENTS IN COPING WITH AND CLEANING UP AFTER THE STORM ON FEBRUARY 11TH WERE CAUSED LARGELY BY THE VAST NUMBERS OF COMMUTERS WHO FOUND THEMSELVES AND THEIR VEHICLES STRANDED IN THE SNOW." THE COMMITTEES CONCLUDED THAT "SITUATIONS OF THIS TYPE MAY BE MINIMIZED IN THE FUTURE IF FEDERAL AND LOCAL GOVERNMENT OFFICIALS IN THE REGION TAKE STEPS TO ASSESS THE POLICES, PROCEDURES AND COORDINATION ARRANGEMENTS FOR EXCUSING PUBLIC EMPLOYEES FROM WORK OR PROVIDING FOR EARLY RELEASE OF EMPLOYEES IN SEVERE WEATHER CONDITIONS."

THEN COG BOARD CHAIRMAN CARL HENDRICKSON, ON BEHALF OF COG, SENT A LETTER TO THEN OPM DIRECTOR DONALD DEVINE ASKING THAT THIS ESSENTIAL COOPERATIONS BEGIN WITH HIS AGENCY AND THE AREA LOCAL GOVERNMENTS. TO DATE THERE HAS BEEN NO ANSWER TO THIS LETTER (A COPY IS ATTACHED TO MY STATEMENT). MOREOVER, OPM HAS STILL NOT RESPONDED TO SIMILAR COG REQUESTS FOLLOWING THE LASTEST SNOW STORMS.

MR. CHAIRMAN, I AM ASKING FOR YOUR, AND THE SUBCOMMITTEE'S, ASSISTANCE ON BEHALF OF THE REGION'S GOVERNMENTS IN GAINING A COMMITMENT FROM OPM WITH REGARD TO WEATHER-RELATED EMERGENCIES.

I HAVE ALSO DETERMINED THAT GREATER PARTICIPATION ON THE PART OF THE METROPOLITAN POLICE DEPARTMENT IN SNOW EMERGENCY SITUATIONS IS NEEDED. THE CITY DID NOT USE MPD'S EIGHT CRANES AT THE NECESSARY TIME.

INFORMATION PROBLEMS COMING OUT OF THE JANUARY STORMS HAVE BEEN IDENTIFIED. ANNOUNCEMENTS BY VARIOUS PUBLIC AND PRIVATE AGENCIES REGARDING SCHOOL CLOSINGS, LIBERAL LEAVE, LATE ARRIVAL OR WORK CLOSINGS WERE MADE AT DIFFERENT TIMES FROM ONE DAY TO THE NEXT. WHEN THE SNOW EMERGENCY WAS ANNOUNCED ON THE MORNING OF JANUARY 22, MOTORISTS SHOULD HAVE BEEN REMINDED THAT CHAINS OR SNOW TIRES ARE REQUIRED IN THE DISTRICT. IT SHOULD HAVE BEEN MADE CLEAR THAT THE SNOW EMERGENCY WAS IN EFFECT UNTIL IT WAS OFFICIALLY LIFTED.

I HAVE ALREADY PUBLICLY ACKNOWLEDGED THAT ONE OF THE CITY'S GREATEST ERRORS WAS NOT CLEARING THE SNOW EMERGENCY ROUTES OF PARKED CARS. RESIDENTS WERE NOT REMINDED THAT THERE IS NO PARKING ON SNOW EMERGENCY STREETS DURING ANNOUNCED SNOW EMERGENCIES. BY WAITING SEVERAL DAYS TO MOBILIZE THE MPD AND DPW TO BEGIN SYSTEMATIC TOWING AND CLEARING OF THE CURB LANES, THE CITY SUCCEEDED IN PLEASING NO ONE AND ANGERING EVERYONE. MOREOVER, THE CITY DID NOT HAVE THE SCORES OF TOW TRUCKS NOR THE SPACE ON IMPOUNDMENT LOTS TO HOLD THE CARS.

ON JANUARY 29, 1987, I ANNOUNCED THE FOLLOWING EFFORTS DESIGNED TO CLEAN THE CITY'S STREETS:

- CITIZENS WERE ASKED TO REMOVE THEIR CARS FROM 51 PRIORITY ROUTES WHICH WERE RUSH HOUR STREETS.
- MPD WAS ORDERED TO TICKET OR TOW CARS PARKED ON SNOW EMERGENCY ROUTES.

- SNOW WAS REMOVED FROM CURB LANES ON DOWNTOWN AND OTHER MAJOR STREETS.
- MOUNDS OF SNOW WERE REMOVED FROM DOWNTOWN STREETS, CURBS, AND INTERSECTIONS WITH FRONT-END LOADERS.
- 100 RESIDENTS OF HALFWAY HOUSES WERE USED TO SHOVEL SCHOOL GROUNDS AND SIDEWALKS.
- FIRE DEPARTMENT PERSONNEL CLEANED AREAS AROUND HYDRANTS AND NEARBY CROSSWALKS.
- CONTRACT CREWS WERE USED TO REMOVE SNOW FROM CATCH BASINS, CUL-DE-SACS, AND HARD TO REACH AREAS.
- DOWNTOWN STRETS WERE RESALTED.
- POTHOLE CREWS WERE PUT TO WORK ON CITY STREETS.
- EIGHTY-EIGHT TRUCKS WERE USED TO SPREAD ADDITIONAL ABRASIVES.

ALTHOUGH THE SNOW OPERATIONS PROGRAM IS WITHIN THE DEPARTMENT OF PUBLIC WORKS, IT IS CLEAR THAT OTHER DISTRICT AGENCIES MUST PARTICIPATE IN ANY SNOW EMERGENCY PROGRAM. THEREFORE, I HAVE APPOINTED A SPECIAL PLANNING TASK FORCE CHAIRED BY JOSEPH YELDELL, DIRECTOR OF THE OFFICE OF EMERGENCY PREPAREDNESS, TO REORGANIZE SNOW REMOVAL OPERATIONS IN ORDER TO INCLUDE ALL CITY RESOURCES.

WHEN THE SNOW OPERATIONS PROGRAM HAS BEEN ANALYZED, INCLUDING PERSONNEL, EQUIPMENT, SNOW EMERGENCY ROUTES, AND POLICES AND PROCEDURES FOR CLEARING SECONDARY AND RESIDENTIAL STREETS, THE NECESSARY CHANGES WILL BE ANNOUNCED. I WILL INSIST THAT THE NEW PROGRAM BE PUBLICIZED TO THE GREATEST EXTENT POSSIBLE. IN ADDITION, MR. CHAIRMAN, I WILL PROVIDE THE SUBCOMMITTEE WITH A COMPREHENSIVE REPORT.

IN CLOSING, MR. CHAIRMAN, I WANT TO ASSURE YOU AND MEMBERS OF THE SUBCOMMITTE THAT THE DISTRICT OF COLUMBIA GOVERNMENT IS READY, AS ALWAYS, TO WORK WITH YOU, THE FEDERAL EXECUTIVE BRANCH, AND REGIONAL GOVERNMENTS TO PROVIDE THE WASHINGTON METROPOLITAN AREA WITH A SUCCESSFUL

SNOW REMOVAL PROGRAM. WE ALSO APPRECIATE YOUR RESPECT FOR HOME RULE ON ISSUES LIKE THIS. YOUR OFFER TO ME TO BE OF HELP RATHER THAN IMPOSING FEDERAL SNOW FIATS ON THE DISTRICT OF COLUMBIA IS AN EXCELLENT WAY FOR THIS NEW DISTRICT-CONGRESSIONAL RELATIONSHIP TO START.

OPENING REMARKS OF MAYOR BARRY

Mayor BARRY. Senator Harkin and members of the Subcommittee on District of Columbia Appropriations, I am pleased to discuss the snow and ice removal program of the D.C. government, and in particular the snowstorms of January 22 and 25, 1987.

Mr. Chairman, last month the District of Columbia was faced with its third largest snowfall in 100 years. I would like to share with you some data that will give you an indication of the challenge before us.

Mr. Chairman, let me say 80 percent of all the storms in the District of Columbia are less than 4 inches; 95 percent of all the snowstorms accumulate less than 8 inches. And in 92 percent of the storms, the rate of snowfall is less than six-tenths of an inch per hour. However, in January, the rate of snowfall reached 3 inches per hour, which is pretty heavy.

In 85 percent of the storms, the temperature averages 26 degrees. In the 6-day period following the January 22 storm, the temperature did not reach 32 degrees and went below 20 degrees each night.

I share this with you because it is related to how fast you can remove snow and what kind of equipment you have to have.

Mr. Chairman, the District can expect an average of 11 storms per season. We can expect a 4-inch snowstorm once a season and a 10-inch storm once every 6 years. When you have those kinds of numbers, it is only rarely that you have this kind of snowstorm.

On the other hand, I would like to share with you our experience in trying to deal with it. Traditionally, the city's snow removal program has depended primarily on the use of abrasives—salt and sand—in combating snow and ice. The city owns abrasive spreading equipment for treatment of major arterial routes throughout the city.

Mr. Chairman, in terms of the last three storms we have had in 1979, 1983, and 1987, where we had to use snowplows, we had 89 pieces ourselves, and we contracted for 170 additional pieces of equipment.

Also, Mr. Chairman, the District is unique in the sense, as you know, that a significant number of federal workers work here—almost 300,000 persons work in the District of Columbia—most of whom live in Maryland and Virginia. Therefore, we have to look at transportation as well as the equipment used, et cetera.

CONCERN OVER OPM'S RULE IN SNOWSTORM

Also, Mr. Chairman, transportation is a regional issue. We have to relate to traffic flow, and therefore, we would like to share with you some of our concerns in terms of OPM's role in the last snow operation.

Shortly after the workday began, OPM decided to allow federal employees to leave early. It was contemplated that those who lived in Virginia would leave at 10:30 and those in Maryland and the District at 11:30. But quite frankly, once the word went out, almost everybody started leaving at 10:30 or 10:45. In fact, some people were still on their way to work when they got the word to leave and go back home. So almost every arterial street leading out of the District into Maryland and Virginia was clogged with cars leaving and coming, and during the heavy period of the snowstorm, people were quite frankly, literally, abandoning their cars in the middle of Connecticut Avenue, Wisconsin Avenue, et cetera.

One recommendation we would make here, Mr. Chairman, is that OPM has to be more cooperative in terms of letting Metro, the District, and others know what their plans are. They have to find a way, and I know it is difficult, to manage their personnel so that people will not leave abruptly.

In some instances, it may be better for people to stay in their buildings until the streets are fairly clear and Metro is operating sufficiently, and then leave in the afternoon as opposed to rushing out in the morning. This caused some major problems. There were cars in the streets 6 and 7 days afterward.

Now, I think we made a compassionate decision, but it was a wrong decision, not to tow cars the first 2 or 3 days. That was our effort to be compassionate. I talked to Mr. Touchstone about the fact that compassion has to end at some point. We started towing cars from the major streets, and that gave our snow plows the opportunity to plow from curb to curb.

That is one of our problems with OPM, in terms of the huge number of federal workers who come here to work. We like them here, and we appreciate them, but certainly, when it snows, there ought to be a better way of letting them leave to go home.

PRIOR ATTEMPTS TO OBTAIN COOPERATION WITH OPM

We also are concerned that the Council of Governments met on February 5, 1987, to discuss the problem of snow removal. One of the things that we tried to do was to get a commitment from the OPM in terms of future years. I think it was in 1983 we asked OPM to join us in a letter. At that time, the OPM Director was Donald Devine, and we asked that this essential cooperation begin.

Unfortunately, Mr. Chairman, to date there has been no answer to this letter, and we are very concerned that we try to mend these relationships so that that can happen.

Mr. Chairman, I share your concern that the Nation's Capital ought not to be snow-locked, and that we ought to be able to keep the federal government, the city government, and other agencies running.

On the other hand, when you have a 20-inch snow, it is literally impossible for any city to quickly remove that amount of snow.

Let me indicate that on Monday, January 26, the District had more snow on its streets—accumulated snow—than any other city in the country. We out-snowed Chicago, Buffalo, New York, and even Fairbanks, AK. I only say that to say that this is a once-every-7-or-8-years kind of a situation.

LESSONS LEARNED IN THIS SNOWSTORM

I think we are capable. We have learned a lot working with OPM, the National Guard, Metro, and the regional jurisdictions. I think at least we can keep the major arteries clear. Our citizens unfortunately were not able to move from the side streets because those streets are too narrow to adequately plow; people park on both sides of the street, and it makes it very difficult.

Metro has taken steps, as I understand, to deice, with deicing equipment.

The point I am making here is we acknowledge that it was a great inconvenience; a number of errors were made in terms of not towing cars the first day, in my view. OPM made a huge error by not letting us know that they were letting people out early. That was a huge error in letting people leave in droves. The citizens were not as cooperative as they should have been in terms of moving their cars from emergency streets. We ticketed and towed—Mr. Touchstone?

NUMBER OF CARS TICKETED

Mr. TOUCHSTONE. We ticketed and towed or relocated 1,300 cars.

Mayor BARRY. We ticketed and towed 1,300 cars and relocated 1,300 cars.

Senator HARKIN. What day was that?

Mr. TOUCHSTONE. That was done on the 29th.

Mayor BARRY. Thursday night. That is the day that I indicated the compassion had ended and enforcement was beginning, and it worked, too. The next day we were able——

Senator HARKIN. That was on Thursday.

Mayor BARRY. Thursday. It was 4 days after the Sunday snow, Mr. Chairman. We were snowed in on Sunday. The airports were closed Thursday and Friday. In fact, I made an effort to get back on Friday myself, but could not. Then on Sunday, it snowed again, and I could not get back until Wednesday morning because the airport was closed Monday night and early Tuesday morning.

SUPPORT FROM CONGRESS AND NATIONAL GUARD

Mr. Chairman, let me conclude by saying we welcome any support and advice from the committee. I want to thank General Franklin for his support from the National Guard. The other jurisdictions have been very cooperative in the sense of trying to make this reasonable as opposed to trying to outdo each other.

COOPERATION WITH SURROUNDING JURISDICTIONS

Chairman Jack Herrity, who is Chairman of the Fairfax Board of Supervisors in Fairfax County, had us all together at the Council of Governments, and we pledged to work closely on trying to solve this problem. We wanted to coordinate what roads should be plowed at the same time. For instance, we want to make sure Virginia is doing 395 at the same time we are doing the 14th Street Bridge; that way, there can be coordination between people leaving and those coming in as opposed to Virginia doing 395 in the morning and the District doing the 14th Street Bridge in the afternoon, or vice versa.

I think we are on our way, Mr. Chairman, to solving this problem as far as is humanly possible. As you know, none of us in this room determines when it snows or how much it snows. That is a decision that is made by God. Therefore, we will try to be ready for it.

COMMENDING WORKERS AT THE DEPARTMENT OF PUBLIC WORKS

Finally, I would just like to again reiterate my apology to those who were inconvenienced by the snow. As I said, we did make some errors. But on the other hand, the men and women who work at the Department of Public Works were working 16 hours on and 8 hours off. I went by some of the work stations, and the people who worked in that department were totally exhausted from having worked around the clock for 4 or 5 days. I think they ought to be commended for how hard they worked at trying to move this amount of snow.

CONCLUSION OF MAYOR BARRY'S STATEMENT

That concludes my basic statement, Senator, and again I thank you for holding this hearing and giving us a chance to at least see how we can put together a reasonable plan, as well as any help the federal government can give us.

One final point is that we have been in touch with the military districts in the District in addition to the National Guard, to see what kind of equipment they have. Quite frankly, they do not have much snow equipment. We are looking at the possibility of some of their smaller four-wheel-drive vehicles being equipped with snow plows that could be used in emergency situations for hospitals, schools, et cetera.

But none of us in the region have in our storehouse adequate equipment to take care of a 20-inch snow, because it only comes once every 6 or 7 years. I have been told it would not be cost-effective to have to store that kind of equipment.

On the other hand, I think we have learned how to move it faster, and finally, I think we have learned how to inform the public better as to what we are doing. That was part of the problem. The public was confused. There were agencies who said they were open in the morning, or a 2-hour-late workday. There were school systems that were open, some that were closed. So I think coordination will help us to better prepare for the future.

Thank you, Mr. Chairman.

INTRODUCTION OF WITNESSES

Mr. Chairman, also with me is Mr. John Touchstone, Director of the Department of Public Works, as well as the rest of the panel, General Franklin, as you know, and my dear friend from the Council, Ms. Winter, who has a lot of ideas about how we do things.

Senator HARKIN. Mr. Mayor, thank you very much for being here today, and for your testimony. We will have some questions.

I just wondered though if, first, Ms. Winter, you had anything you wanted to touch on or to add before we start to get into some questions. Did you have a statement you wanted to make?

STATEMENT OF COUNCILMEMBER WINTER

Ms. WINTER. Mr. Chairman, I do have a prepared statement which I will submit for the record. I would just like to extend my congratulations to you, also. We see this as one government, since we do not have total home rule. So we are going to have to depend on the federal government, and our very competent Mayor, to lead us in the direction that our constituents will be pleased with. When I say our constituents, Senator, you may know that I have about 126 congressional people living in my District. I represent the Capitol Hill area.

Senator HARKIN. I feel sorry for you. They are the worst kind of constituents. [Laughter.]

Ms. WINTER. Yes. They want the trash picked up and the potholes fixed.

So I just want to place on the record that it became a total concern of mine, and that I was out every day during the snow. I was there all day Thursday. I want to reemphasize the fact—and I do appreciate General Franklin's cooperation—that we ought to move rapidly to clear off the parking lots, like RFK Stadium and Carter Barron, for those of us who live within a mile or two of those areas, so we could park our cars there. There are no parking spaces, as you know, on our thoroughfares in many areas of the city.

So I would like to add that little footnote, that we would utilize what we have in case of emergencies, such as the one we had with the snowstorm.

Thank you.

Senator HARKIN. Thank you very much, Ms. Winter.

Senator HARKIN. Mr. Touchstone, did you have anything you wanted to add, or a statement?

Mr. TOUCHSTONE. No, Mr. Chairman, I have nothing to add.

STATEMENT OF MAJOR GENERAL FRANKLIN

Senator HARKIN. General Franklin, do you wish to add anything at all before we get into questions?

General FRANKLIN. Mr. Chairman, I would also like to extend my congratulations to you on behalf of all the members of the D.C. National Guard on your new assignment.

I would like to enter my prepared statement in the record, and I am prepared to respond to any questions that addresses our capability and callup procedure. We are working in concert with the Mayor's staff on such emergencies.

Senator HARKIN. Thank you. Without objection, your statement will be entered in its entirety in the record.

[The statement follows:]

STATEMENT OF GENERAL FRANKLIN

Mr. Chairman, as Commanding General of the D.C. National Guard, I am pleased to appear at this hearing regarding snow removal operations in the city.

The D.C. National Guard is a participant in 17 city emergency contingency plans, including snow removal. The relationship between the Mayor and his administration, and the D.C. National Guard is outstanding. We have historically and enthusiastically supported the Mayor and the community and his support to the D.C. National Guard is total and without question. Our citizen-soldiers are part of the community and I can assure you that we will continue to respond, whenever possible.

We are trained, equipped, and have as an important part of our mission to respond to both national and local emergencies. In its federal role the D.C. Guard is part of the Army and Air Force and has 24 Army National Guard and 13 Air Force units with an approximate strength of 3,636 individuals and over $200 million in equipment. We are a tremendous resource.

In our state mission, which is the same as all other National Guards, we have units trained and equipped to protect life, property, and to maintain civil order. As you know, we traditionally assist the Metropolitan Police with traffic and crowd control on occasions such as inaugurations and public demonstrations, provide ceremonial support to events like the Cherry Blossom Festival, and perform a variety of day-to-day routine support activities to essentially all departments of the city.

As I previously stated, we are an integral part of the city's snow removal plans and have assisted in this regard on other occasions.

In order for the DCNG to participate in city emergencies, approval must be obtained from the Secretary of the Army, who is the operating authority for the President in his role as Commander in Chief of the D.C. National Guard. This can be quickly accomplished under the criteria that: (1) the Mayor declare the condition "an emergency," and (2) that the city has committed its resources so that we do not compete with the private sector.

A specific, simple, seven-step callup procedure has been worked out and furnished to the Mayor (see attached). The response time can be as short as 30 minutes and has never exceeded 2 hours for any previous request. This is more than adequate and is more responsive and effective than any other state's decision process. The only potential problem we have is cost considerations to be borne by the city for DCNG support.

As citizen-soldiers the D.C. Guard is totally committed to our mission to the city in support of any emergencies, including snow removal. It is our mission. We are proud, ready, and able to do it!

Thank you.

SEVEN STEPS TO CALLUP

Step 1—Local authorities determine need for aid.

Step 2—Commanding general notify Under Secretary of the Army.

Step 3—Secretary consults with Attorney General extent of assistance to be furnished.

Step 4—Attorney General advises the Under Secretary on alternatives.

Step 5—Attorney General and Under Secretary establish policies.

Step 6—Under Secretary makes decision.

Step 7—Commanding general advises civil authorities of the decision.

OPENING REMARKS OF SENATOR GRASSLEY

Senator HARKIN. My colleague Senator Grassley has to leave for another hearing, so I will defer to him and recognize my distinguished colleague from Iowa, Senator Grassley, for the first set of questions.

Senator GRASSLEY. Thank you. And let me explain to you, Mayor Barry, as well as Senator Harkin, the chairman of the subcommittee—and I thank you for deferring to me—that there is a HUD Subcommittee of Appropriations meeting today as well that I should attend. But if I could, I have a few questions that would deal with probably what would be classified as honest differences of opinion between OPM and the city government, Mayor, and I think we ought to dig into them and get on the record at least your view and your response to them.

These differences of opinion would come from your statement as well as the statement that we have already had given to us by Dr. Colvard, the Deputy Director of OPM, as to coordination between city government and OPM on city employees leaving.

You imply, Mayor Barry, that OPM has not engaged in an effort to coordinate with the District of Columbia regarding decisions on the arrival and departure of federal employees. However, Mr. Colvard indicates that a conference call took place early in the morning of January 22 between OPM and the District to assess the situation and to decide on a course of action.

How do you account for the discrepancies between your statements, and then I would like to know what specific steps you would take to improve coordination. And I would also like to know whether you did participate as a person in that conference call, which took place at 5:15 a.m. Washington time, which obviously would have been 2:15 a.m. Los Angeles time.

Mayor BARRY. The conference call, as I understand it, took place with Mr. Yeldell, who is head of our Office of Emergency Preparedness. I do not recall saying that there had been no discussion. I said what happened was that the federal government had intended to let its workers out at 10:30 who lived in Virginia and 11:30 for those who lived in Maryland and the District of Columbia. What I further said, Senator, was that that did not in fact happen, and that a number of workers were still on their way to work at 9, 9:30, and 10 as other workers were leaving at 10:30 en masse.

There are a number of federal buildings right near the District Building—the Federal Triangle, the Department of Commerce and others—and people who worked in City Hall could look out the window and see hundreds of people leaving those buildings in droves. In the parking lot behind the District Building, people were literally running to their cars to try and get them out.

My concern was that they all left about the same time. Almost 250,000 people began to leave the District of Columbia, many of whom were in cars, vans, or vehicles that travel our streets.

We did a survey of the abandoned cars on Wisconsin Avenue and Connecticut Avenue. The majority of those cars that were literally left on those streets had Maryland and Virginia license plates.

So I did not say there was no communication; I said that they did not stagger the departure of people in a way that made any kind of sense.

Also, Mr. Chairman, we have a number of capable administrators who work for the D.C. government. Mr. Downs is in charge of operations when I am out of town.

The Weather Bureau had predicted 2 to 3 inches of snow on Wednesday morning. Had they predicted 20 inches of snow, I would have been in on every conference call, because I would have been right here, trying to participate.

So I do not think there is any discrepancy about the conversations. We still maintain that people left those buildings en masse.

CONFERENCE CALL WITH DISTRICT AND OPM OFFICIALS

Senator GRASSLEY. But I think your position is, then, that the conference call that took place early in the morning did not deal with these matters, but the fact that a conference call took place seems to imply that there were attempts to coordinate.

Mayor BARRY. The discussion, Senator, was whether or not the federal government was going to have liberal leave or whether they were going to bring their people into work. That was the discussion.

George Schoene, who is head of our snow operations and is sitting in the back of the room, indicates that he talked to Steve Thompson at OPM at 7:30 a.m. Thursday and indicated that heavy snow and poor roads were the conditions that existed at the time. According to Mr. Schoene, Mr. Thompson said he could not change OPM's decision.

Our view would have been, since the snow was falling so heavily and it looked like it was going to continue beyond 2 or 3 inches, was not to ask people to come to work. It does not make sense to come to work and leave at 10:30 when you know that the snow is falling very heavily, and the weather prediction had been changed from 2 or 3 inches to 9 to 10 inches, at least, at that time.

I think if the Metro people were here at the table, they would probably indicate the same problem. They were not prepared to take that heavy exodus of people en masse.

Senator GRASSLEY. OPM feels, of course, that they have to make their decision by early in the morning, because particularly employees that are on flexitime start arriving that early.

Did you participate in the conference call?

Mayor BARRY. No.

IMPROVING COORDINATION WITH OPM

Senator GRASSLEY. Do you want to respond as to whether or not you have any specific steps that you think should be taken to improve coordination with OPM?

Mayor BARRY. First of all, the Council of Governments has set up a special task force made up of all of the jurisdictions in the region, both elected officials, planners, and transportation people. OPM has agreed to become a member of that task force. The Department of Transportation has agreed to consider a small grant to enable us to do some data research et cetera.

Second, I would suggest that we all use the same weather source, whether it is Accu-Weather or some other, so that at least we have the same information.

Third, it seems to me, Senator Grassley, that at 7:30 or at 5:30 or 6 in the morning, there ought to be some high-level official at OPM that can make the decision early enough as to whether or not people can be told to stay home on liberal leave or whatever.

Fourth, even if you make a mistake and find out it is snowing harder than you thought it was going to snow, there has to be some mechanism—and I do not know what it is; I do not know how the federal government manages its personnel—to at least stagger the people leaving in a way that is more logical than what was happening on Thursday, January 22.

BENEFITS OF USING SAME WEATHER SERVICE

Senator GRASSLEY. I would ask you to consider whether or not your suggestion on all jurisdictions using the same weather reporting service would make a difference considering the fact that Accu-Weather—and it is my understanding that that is what the city refers to—and the National Weather Bureau, which OPM uses, both had the same forecast at that period of time. And so, considering the consistency of the forecasting of the two agencies that the two separate jurisdictions used, would the use of a single agency make much difference? It obviously would not have made any difference in this instance, because they were the same.

Mayor BARRY. Senator Grassley, according to the information I have, as late as Wednesday night, Accu-Weather was predicting no snow for Wednesday night or Thursday morning. They were further predicting a 25-percent chance of snow late Thursday night. So here you have a service as late as Wednesday night, predicting no snow Thursday morning. Yet you wake up at 5:30 or 6 and there is a developing storm, which developed into a blizzard. That is the problem we were faced with.

Senator GRASSLEY. OK. I would submit for the record, and I think we will have to let the record speak for itself because there is not any sense of taking up the time of the committee, but I would submit a story from the Washington Post that was the source of our information on what Accu-Weather was reporting plus what the National Weather Bureau was reporting, and there are some differences of opinion between what you just stated and what our source of information is at that particular time.

Mayor BARRY. Senator, assuming that everybody had the same predictions, that was not the key point I was trying to make here. On a scale of 10, that was number 2.

Senator GRASSLEY. OK.

Mayor BARRY. The issue I was really pointing to—and I do not have the answer to it—is the federal government has a lot of workers in Washington, 250,000 to 300,000, and the question is how can we better coordinate people leaving those worksites, going home. That is what blocked Wisconsin Avenue, Connecticut Avenue, 14th Street, River Road, Canal Road, and Pennsylvania Avenue, which made it impossible for snowplows to even plow the middle of the streets, when cars were just abandoned, not only on the curb, but abandoned right in the driving lanes.

As I said, our mistake was being too compassionate. I guarantee it will not happen again if I am here—and I will be here. We are going to tow immediately those cars that are abandoned. The local elected officials agree that if we start doing that, they are not going to call me, trying to get their constituents' tickets adjusted because we have given them tickets. We are going to tow and ticket immediately when they abandon those cars.

DELAY IN ENFORCING PARKING RESTRICTIONS

Senator GRASSLEY. That leads very well into the last few questions that I have, dealing with the news reports that indicated that the District did not begin to enforce parking restrictions on major arterials until Thursday, January 29. In addition, the National Guard was not called in to assist with snow removal until that date, also.

Why did you delay enforcement of the parking restrictions on snow emergency routes, and would you also agree that this delay made plowing and other snow removal efforts more difficult?

Mayor BARRY. As I indicated earlier, Senator, part of what happened was that a snow emergency was declared. On those streets, we have signs on almost every block. I indicated earlier, looking in hindsight—and hindsight is always 20/20—that we should have started towing those cars immediately, and we did not. I think we were too compassionate.

SEEKING HELP OF THE NATIONAL GUARD

Senator GRASSLEY. OK. Could you speak to the point of why the National Guard was not called out to assist until Thursday?

Mayor BARRY. It was only at that point that I made an assessment that our men were exhausted. A number of our pieces of equipment had broken down from the tremendous strain. It was at this point that we needed the National Guard.

As I recall, General Franklin indicated they had about 25 vehicles, 6 of which had plows. They primarily used their equipment to remove snow from the RFK parking lot and I think the Carter Barron fringe area, and the Michigan Avenue fringe area. I could ask General Franklin about it, but I do not think they used much of their equipment to do our streets.

Senator GRASSLEY. Then the Guard was called out more because of the breakdowns of other equipment as opposed to more total force being needed. In other words, if the equipment had not broken down, the National Guard would not have been called out?

Mayor **Barry**. Senator Grassley, I can only request that the Guard come out, and I talked to General Franklin about this. I had to write a letter saying that our personnel was exhausted and our equipment needed some additional backup.

Unlike Governors, we cannot just call the Guard out. There has to be total exhaustion of our people and our equipment before the National Guard can be activated. That is the law. Now, General Franklin would do all he could to help out, but I had to write that letter to him, asking for that.

LAW GOVERNING THE USE OF THE NATIONAL GUARD

Senator **Grassley**. Then let me ask the General if those are the circumstances under which the Guard would help—it would be not just because of the massive amount of snow, but because of the incapability of equipment that the city had?

General **Franklin**. Is that question directed at me, sir?

Senator **Grassley**. Yes, if you would, please. Is that your understanding of the circumstances under which you can come in?

General **Franklin**. Let me comment specifically on the procedure for calling up the D.C. Guard.

First, the District of Columbia is a little bit unique in that we are not a state, and the Guard is not a part of the District as other state forces. When I say that, let me further qualify it by saying we have two missions: the federal mission, which is our wartime mission; and a state mission. Even though we are not a state Guard unit, we have the identical mission and responsibility for the District as Maryland, Virginia, and all the other Guard units.

You will find that in any emergency that takes place in any of the 54 states, there has to be a declaration of emergency, and it exceeds the capability of the normal state resources.

The reason for this is so that the Guard does not compete with the private sector, according to the Posse Comitatus Act. We are as responsive as any of the other states, even though we are unique. We have not yet failed to respond to an emergency or a request from the District government.

I think what the Mayor is saying is that it is his responsibility first to make an assessment and to commit District resources. Once he has committed these resources and determined that there is a need for the Guard, we can provide assistance. I complete a series of simple steps, and we are responsive.

CALLING UP THE NATIONAL GUARD

Senator **Grassley**. I think based on your response, then, in summary and in closing, I could say that I think maybe the circumstances would be such that just the massive amount of snow, let alone the condition of the equipment, could lead to an earlier request for the National Guard, and even probably, based on your comment, get a response that would be positive other than just the condition of the equipment.

General FRANKLIN. In response to that, any early warning will assist us in planning. I had a conversation with the Mayor. We had an agreement, and within 2 hours we committed the requested resources. So we can be very responsive. But, satisfying the criteria for Guard assistance is necessary, and even though we are unique, it is the same criteria and process which takes place in Maryland or any other state. I do know that during the January period of time, Maryland had five or six call-ups, and in each case, the Governor made the determination that Guard resources were necessary, by a verification procedure similar to the District's. Our response time is perhaps a little less than some of the larger states.

Mayor BARRY. Senator, let me just comment. Even if the Guard had been called up—and I do not have the number of pieces of equipment that the General used——

General FRANKLIN. I have it. For snow removal, we have available to the city 25 vehicles that can be equipped with snowplows. As the Mayor pointed out, only 10 of those were operational and ready to go at the time of the request, because we have a very low requirement to respond to snow emergencies. We committed 6 of those vehicles right away—4 more for backup—we used a total of 10 vehicles in support of the District of Columbia. That was all that was required to meet the mission.

PROBLEM OF ABANDONED CARS ON THE STREETS

Mayor BARRY. Senator, even after the Guard had been called out on Thursday or Friday, with all these cars on the streets—and unfortunately, as I said, looking in retrospect, we should have ticketed and towed them immediately. Even though we ticketed and towed 1,300 and removed 1,300—with the limited amount of equipment that the Guard had with snowplows—and the General was very cooperative—10 is certainly a good number, and 25 is a good number. That would not have made much of a dent, quite frankly, on Thursday or Friday, on those major arteries unless we also had made the simultaneous decision to tow those cars, which again would have been difficult in the sense that we do not even have the towing equipment to tow but so many cars per hour. Then the question is where do you put them when you have this massive amount of snow.

We decided on Thursday to clear out the RFK lot, the Carter Barron lot, and the lots on South Capitol Street and Michigan Avenue, to take the cars that were towed.

So again, hindsight is better than foresight. If we did it again, as I said, we would at least attempt to tow them. I suspect it would have been very difficult to tow all those cars because you cannot even begin to know the large number of abandoned vehicles that were just left on our city streets by Maryland and Virginia residents.

Senator GRASSLEY. Thank you.

I thank you, Mr. Chairman, for allowing me to question.

CONSULTATION VERSUS INFORMATION SHARING WITH OPM

Senator HARKIN. Thank you, Senator Grassley.

Mr. Mayor, I want to clear up a couple things following up on Senator Grassley's questions. As I understand it, early in the morning there were at least maybe some conflicting reports, perhaps, on how much snow there would be that day. And I remember that morning well myself. I drove into the District of Columbia from my home in Virginia that morning, and I really had no problems driving to work. The snow really started falling heavily probably after about 8 or 9 o'clock in the morning.

OPM decided at about 10 or 10:30 to start letting people go home, and they were going to do it in shifts. Did they contact your office; did they contact the District of Columbia at that time to let you know how they were doing this? In other words, did they coordinate with you on the release of people, beginning at 10:30 in the morning?

Mayor BARRY. I would not call it coordination. They informed us.

Senator HARKIN. Did they in any way ask, for example, for your input into this, what would be the best course of action to take, are there any kinds of procedures to be followed in that regard?

Mayor BARRY. Senator, the answer is that at about 9:50, the Public Information Officer at OPM—we can get his name for the record—talked to Mr. Joe Yeldell, who is head of my Emergency Preparedness Office, and informed us of what they were about to do, had done, as opposed to what I call consultations in the sense of what do you think would be the best way to solve this problem.

To me, to call at 10 minutes to 10—and I am not trying to dump on anybody, because that is not the purpose here—but to call at 10 minutes to 10 to inform us that we are doing this is not the same as saying, "We have all these federal workers. How does it look on the streets? How prepared are you all to clear certain arteries? Or maybe we could find some way to suggest to people that they go one way as opposed to another way." That did not happen. It was just to inform us that workers were going to leave, starting at 10:30.

And what happens, Senator, as you probably know, is that people get anxious about snow. They do not know whether they can get home or not. They just left. Now, I suspect it probably would have happened in my administration, too, if I had said leave at 10:30; people would just leave. It is hard to just lock people into the Department of Commerce. I know it is a serious problem, but the point is that there was not consultation; it was information sharing. There is a difference between the two.

PHASING THE DEPARTURE OF GOVERNMENT WORKERS

Senator HARKIN. I guess that is what I was wondering was if there was some kind of coordination between the District of Columbia and OPM in terms of this massive amount of people that they were going to let go and whether or not there could be some really serious kind of consultation on phased letting go. I do not know how you do that—you could do it alphabetically, you could do it by the area they live in—I do not know exactly how you do it, but it would seem to me there would be some kind of phased release, so many an hour that would leave, rather than just pouring everybody out on the streets at one time.

Mayor BARRY. Mr. Chairman, we hope to set up some sort of overall standardized operating procedure. There was a time when the federal government had an agency-by-agency time arrangement for departure, which meant those persons who worked at 14th and Independence, at the Department of Agriculture, would have one schedule when they would leave, and those at Treasury would have another schedule.

The idea here is how you control the outflow of traffic during an emergency like this. I do not have the complete answer, but certainly we have to be able to do it better than we did it before.

MOBILIZATION PLAN OF THE DISTRICT

On the other hand, I do not know how you control people just leaving their desks and going home.

Senator HARKIN. Now, if I remember right, that morning there was a winter storm warning in effect. There is a winter storm watch, there is a winter storm warning, there is a travelers' advisory. But if I remember that morning, it was a winter storm warning because the weather people said it was moving in, and they did not know how much it was going to snow, but it was a winter storm warning.

Does the District have certain plans, for example, if there is a travelers' advisory, do you do certain things; if there is a winter storm warning, do you do certain things; if there is a winter storm watch—are there certain levels of preparedness or something that you are ready for? Obviously, a winter storm warning is much more severe than a watch, and a watch is more severe than an advisory. I am just wondering are there different steps taken to dispatch, for example, snow plows or trucks or sanders or whatever it is, depending upon the level of the warning?

Mr. TOUCHSTONE. Yes. Previously, up until this last storm, we have been dispatching our abrasive spreaders to various locations throughout the city whenever there is a determination that there will be even an inch of snow. We have just not been taking any chances. Any time snow is predicted, and there is a firm commitment that snow will fall, we know that even that amount of snow is going to cause some congestion. So we dispatch our abrasive spreaders to various locations throughout the city whenever snow is predicted.

Whenever there is at least a watch, we go to what we call a partial mobilization so that just in case the snow comes before the prediction, we are even partially prepared on our main arterials and bridges. The primary places we are are the bridges and the main arterials, because any bit of snow that falls in those areas will cause problems, particularly on bridges.

So we do have a mobilization plan that takes us to different levels for different predictions of snow.

AUTHORITY TO CALL UP THE NATIONAL GUARD

Senator HARKIN. Good. I think you have pretty much covered requesting the assistance of the National Guard. As I understand it, Mr. Mayor, you do not have the authority as a Governor might have to call out the National Guard as we say in normal parlance to help in a national emergency. That has to be done by the President of the United States; is that right?

Mayor BARRY. Well, General Franklin can speak to it. I think that delegation is the responsibility of the Secretary of the Army or the Under Secretary.

Senator HARKIN. General Franklin, could you respond to that? I have tried to remember what you said. But it is not the Mayor who does that in the District; is that right?

General FRANKLIN. The Mayor does not have the authority to call out the D.C. National Guard. He makes the request. That is a little different in other states where the Governor has the authority to call out the state Guard. The callout procedure is almost parallel to what takes place within the other states and the District of Columbia.

Specifically what happens is the Mayor declares that there is an emergency and asks for my assistance. I make a phone call to the Secretary of the Army to tell him that I have had a request. I concur that it is the type of mission that we can and should accept. There is one other call made to the Attorney General in the event the emergency may involve loss of life, is a civil disturbance, or similar. So it goes through two steps, and that can take place in a very short order. The response time is something like a couple of hours or less.

Mayor BARRY. Mr. Chairman, it is my understanding that in other states, the Governor has the authority to call up the National Guard for an emergency. There is a legal procedure for the Governor, but he does not have to check with the President or the Secretary of the Army.

Senator HARKIN. No, that is right.

Mayor BARRY. It is my understanding that he can call them up for a series of emergencies, whether it is a fire, or whatever he declares as an emergency. We have not had any problem with this process. I do not have the authority that Governor Baliles or Governor Schaefer has in terms of that.

AUTHORITY NEEDED FOR DISTRICT TO USE THE NATIONAL GUARD

Senator HARKIN. Well, for example, when were you given the authority, General Franklin, in your capacity, and on what day were you given the authority to help with snow removal in the District of Columbia—or were you towing parked cars? I really do not know.

General FRANKLIN. I have the authority to make the commitment once I notify the Secretary of the Army and the Attorney General, and that is in a very short response time. The difference is who is the appointing authority. If you look at the other states, the Governor appoints the commanding general, and he is the commanding chief for that state during peacetime, and in the event of state emergencies. I am a Presidential appointee, and the President has that authority, which has been further delegated to the Secretary of the Army who will give me the authority to respond to any emergency with the District. But I have the requirement to notify the Secretary of the Army and the Attorney General to get their concurrence for legal protection of my personnel.

DATE THE NATIONAL GUARD ASSISTED THE DISTRICT

Senator HARKIN. OK. What day did you mobilize some of your troops to assist in removing abandoned cars and in snow removal?

General FRANKLIN. That was on the 29th of January.

Senator HARKIN. That is 1 week after the first snowfall.

General FRANKLIN. That is the date the Mayor gave the call, and that is the date that we gave the support.

Senator HARKIN. Wait a minute. I thought you said the Mayor did not have to give you the call. I thought you said you had the authority to request of the Secretary of the Army to go ahead and meet these emergencies.

Are you saying that the Mayor has to request it first?

General FRANKLIN. The Mayor has to make the request, the same as a Governor after the declaration of an emergency and committing state resources. There has to be an identification of an emergency.

Senator HARKIN. OK. I just want to get this straight. On the 22d or, let us say, the 23d, the day after, when there were a lot of abandoned cars that could have been towed. On the 23d and the 24th—that is a Friday and a Saturday, if I am not mistaken— the National Guard of the District of Columbia was not mobilized to do anything at that time?

General FRANKLIN. We were not.

Mayor BARRY. Mr. Chairman, if I understand the discussions between General Franklin and Mr. Yeldell about the availability of equipment and what they had—Mr. Yeldell is our Director of Emergency Preparedness who has primary liaison with the Guard on these kinds of situations—there were discussions on the weekend about the availability of equipment and the kind of equipment that would be available.

Senator HARKIN. I understand. Here is the National Guard. We are talking about an emergency in the Nation's Capital, of keeping the federal government operating, both the military side of the federal government and also the civilian side of the federal government. The District Guard has 293 jeeps, according to my records——

General FRANKLIN. Yes.

Senator HARKIN [continuing]. And eighty-two 2½-ton trucks. That is a lot of equipment, and that is equipment that can move through snow.

General FRANKLIN. We have a tremendous capability. Let me go back to the 24th. On the 24th of January, which was a Saturday, there was some conversation with the Emergency Preparedness people and Mr. Joe Yeldell, exploring the possibility of the use of the Guard if the snow exceeded their capability. Based on that information, I got my staff together, put together a plan, identified the resources that would be available so that we could respond on very short notice.

There was no declaration of emergency, and there was no callup for the Guard on the 24th. My first request for call up, as the Mayor pointed out, was on the 29th. On the 29th, he made his request. Within 2 hours after that request, the teams were available to go to work. That is the point I am making.

EXAMINATION OF AUTHORITY OF MAYOR TO CALL UP NATIONAL GUARD

Senator HARKIN. I think this bears further looking into and examination. There is a tremendous resource here, and I am concerned that if there is some problem with authority and how this is done, that maybe somehow this ought to be cleared up at this level to make sure that—I would think the Mayor ought to have the authority, much in the same way a Governor would have, to meet these national emergencies in this area. But perhaps the request ought to go in sooner, too.

That is a heck of a capability that you have. I do not know what kind of trucks those are. They are pretty good-sized trucks. I do not know if you have plows on them, or front-end loaders and things like that. I do not have that kind of information here.

General FRANKLIN. Mr. Chairman, let me be a little more specific, and I would like to digress for a second and get away from the snow emergencies. As I pointed out earlier, we have responded to two previous snow requests from the District, and we are able to do that in very short order.

We are involved with 17 separate emergency plans within the District, and we are capable of responding and protecting life and property for any types of emergencies that may occur.

Senator HARKIN. Excuse me. Seventeen what, did you say?

General FRANKLIN. Different types of emergencies.

Senator HARKIN. Seventeen different types of emergencies you can respond to.

General FRANKLIN. We are part of the emergency contingency plan for the District. So we have people who are trained, with equipment that is available, and it can be placed on the street as fast as any other state. So the callup procedure is not a problem in terms of responding. I would like to make that point clear. Even though the authority does not rest with the Mayor to call up the Guard, any request from the Mayor, is taken just as seriously as any other state, and we are responsive to that.

Mayor BARRY. Mr. Chairman, General Franklin and I serve on the Army Board together, and we have a good working relationship—but it is my understanding that in other states when the Guard is called up, the Governor assumes the role of director of what happens—how many men and women, what kind of equipment is moved and where, through the commanding general of that particular state.

I could foresee a situation where—I do not think it would happen, but you never know what could happen—where the commanding general would not have the kind of relationship that General Franklin and I may have, and it may take longer to go through those steps.

Now, the Home Rule Charter forbids us from having that direct control, but I think it is institutional more than personal, and the General would respond as quickly as he can.

On the other hand if I say to the General, "Can we get those 293 jeeps?" I cannot order him to order them out. He will get them out because he feels he ought to, but I do not have any authority to say, "General, send me those 293 jeeps. Let us use them over here or over there."

Also, the Guard itself, in terms of snow equipment, unlike most of the other jurisdictions around, just do not have the blades and plows ready. They had 10 ready. The General also offered the jeeps, because they are four-wheel-drive, to pick up critical personnel for hospitals or for the District government.

In my view, that does not clear the streets up.

USE OF NATIONAL GUARD IN TOWING CARS

Senator HARKIN. My point is that on that Friday and on Saturday and Sunday—it started snowing again Sunday afternoon, if I am not mistaken—but it would seem to me that that would be a perfect time for the National Guard, during that Friday and Saturday, to get all those cars out of there, and haul them away.

Mayor BARRY. I do not think they could have helped too much with the cars in the sense that you have to have a tow truck with a certain kind of——

Senator HARKIN. Well, that is why I say I do not know what their capability is with all those eighty-two 2½-ton trucks that they have there, but if they have any kind of towing capability at all to get them out—I do not know. But again, this is something I would hope you might look into.

Mayor BARRY. Senator, looking in retrospect, it is my view that the Guard should have been asked to assist on Friday morning.

Senator HARKIN. Good. And I would like to further discuss with you this line of authority. Perhaps that ought to be cleared up.

Mayor BARRY. I would like very much to discuss that with you.

SNOW EMERGENCY LAWS IN THE DISTRICT

Senator HARKIN. Mr. Mayor, you correctly pointed out the problem with these abandoned cars, in your written testimony, you said that:

> When the snow emergency was announced on the morning of January 22, motorists should have been reminded that chains or snow tires are required in the District.

Is that part of the District law?

Mayor BARRY. Yes, it is.

Senator HARKIN. Do you ticket people who do not have snow tires? I would encourage you to do so.

Mr. TOUCHSTONE. Yes. The law is very specific in that if you get stuck on a snow emergency route and do not have snow tires or chains, you can be ticketed and towed according to the law. In fact, the law is so specific that even if you have snow tires and impede traffic and get stuck, you can still be ticketed.

Senator HARKIN. That is good. Again, I would hope that this would be a law that would be enforced so that people would know that this is going to happen.

Mayor BARRY. Senator, as I indicated earlier, some mistakes were made by my staff, and certainly I take responsibility. We should have enforced it, as I said earlier, the towing, the ticketing, the snow tires and chains.

Also, Mr. Chairman, there is a law which also requires merchants and residents to clean off the sidewalks in front of their residences as well as places of business. Again, that was not enforced and should have been. Rest assured, if it happens again, it will be.

Senator HARKIN. Well, thank you, Mr. Mayor. Again, as I said, I am not here to fix blame or anything, but I think that people who just drove their cars out into the middle of the street and then just abandoned them and walked away for 3 or 4 days, that they ought to be held responsible also for doing that.

NUMBER OF TRUCKS ON STREET COMPARED TO DES MOINES, IOWA

The only other little thing I wanted to bring up—and then I am going to turn it over to Senator Reid—had to do with the number of trucks on the street. It was reported after the Thursday storm that you had 80 trucks on the streets. I just did a little comparison with Des Moines, Iowa. Des Moines has about the same number of emergency route miles—they have 200, and the District has 190. And I had my staff check with Des Moines, and they said that they use 40 trucks when they have a snow emergency. I do not know what the difference is, but that sort of caught me that here, one city with about the same amount of snow emergency miles uses 40 trucks, and the other city uses 80, and I do not know why.

Mayor BARRY. Senator, I think the difference is—and George Schoene can answer it—that I suspect Des Moines does not have the problem of 250,000 or so workers coming in and out of the city. Also I suspect that the density of Des Moines may be different. I do not know the population of Des Moines.

Senator HARKIN. I think that is a very good answer; that is true. We may have the same number of miles, but the density is not the same, and we do not have that influx and outflow of traffic.

Mayor BARRY. And a significant number of our residents who live on snow emergency routes also park on those streets normally, because the side streets are also used for commuting.

Senator HARKIN. Yes. We do not have that problem.

Mayor BARRY. I suspect that we probably have more cars per family in the District of Columbia than your constituency in Des Moines—probably.

Senator HARKIN. Yes. And we do not park on the streets that much because everybody has parking lots and so on.

Mayor BARRY. Nice, open space, and we do not have that luxury with our 68 square miles, 10 square miles of which is water. So we are a little bit more compact.

Senator HARKIN. Thank you.
Senator Reid.

OPENING REMARKS OF SENATOR REID

Senator REID. Mr. Chairman, I appreciate very much your having called this hearing. I have listened with interest. I have read your statement, Mr. Mayor.

Mr. Chairman, I think your convening this hearing as early as you did is commendable. I look forward to being able to demonstrate our desire to work with District authorities to establish this city as a model urban environment.

I have spoken with the chairman of the subcommittee, and I hope this will be one of many such hearings that we will hold to try to make that become a reality, that this will become a model urban environment.

Mr. Chairman, as I indicated, I have listened very intently, and I think that you, Mr. Mayor, should be complimented for acknowledging some mistakes that you made. I think it is not often that those of us who are elected officials assume responsibility as you have done in this instance. You have admitted you made mistakes, and I think that is commendable. As far as I am concerned, I think that puts you in a sphere that I am really willing to work with you.

But I think you may have accepted a lot of responsibility that you should not have. For example, I left National Airport that morning of the snow, which usually takes me 15 minutes at the most to get home, and it took me 6 hours. Now, that is not in the District of Columbia. That is in Virginia. I have heard very little criticism of the mess that was over there, and it was truly a mess. It took me 6 hours to go just a short distance. There was no way to notify my family; I mean, I was just stuck on that road, moving inches at a time.

People came to work that day, and it is beyond my comprehension why they were told to go home after first getting here. They could have at least completed part of the workday, or staggered the shifts so that people could have gone home.

What good did it do to tell them to go home after they got here? There was work to be done in those offices. The offices were heated; people were safe in those office buildings. Who came up with the idea to whip everybody over the bridges and then send them back out—which made the work of the authorities here in the District of Columbia impossible.

So I appreciate your assuming the responsibility that you have, and there is no question that things done by the District government were wrong, but I again think that there is a lot of blame to be shared by many, many people. And I hope it does not recur what took place in the District of Columbia, and the colloquy between you and the chairman of this subcommittee indicates that there is going to be some quick towing done next time.

These people, just leaving their cars in the middle of the street and walking off as if, "It is snowing. I can do that." I would hope that not only you, but the judicial authorities, will take note of the fact that this is not responsible activity of people just to walk away from their cars and leave them wherever the going gets rough.

We have to be concerned with this government not only with what appears to be, but what reality is. As I have been told in the House Foreign Affairs Committee, where Anatoly Scharansky testified that day, they wanted to cancel the hearing, but they did not, for fear that the Soviet Union would be able to say, "They could not even have a hearing in the capitol of the United States, because snow stopped it." Well, the hearing went forward, as I understand it, and I think a lot more of the government's activities that day should have gone forward.

But what concerns me, as I indicated earlier, is more than appearance; it is reality, and what it means to millions of Americans when the government is shut down.

You know, we talk in the abstract, but when these people went home who worked for the federal government after having been ordered to come to work—there are Social Security problems that are not handled, and the Veterans' Administration, and we kind of put it in an abstract—but we can be very specific about things that were not done during that day.

I again say that I find the statements that you have made and the attitude of the District government commendable. And this is reassuring to me as a member of this subcommittee. You have not attempted to pass the buck. And as I indicated earlier, there is a lot of passing that I think could be done in this instance.

The testimony of the witnesses indicates—and I think in the future will indicate, and we have other witnesses—that area government leaders recognize that real problems exist and that there need to be procedures to correct this.

I respect home rule. But as long as Washington, DC, is the Nation's Capital, we have to work as a Congress with your government to ensure that the District government does not, for whatever reason, prevent the federal government from functioning.

During this hearing we have already explored through the statements of Senator Grassley ways that this subcommittee can assist the District government in developing plans and procedures to effectively manage snow emergencies and prevent the federal government in the future from closing unnecessarily.

NEED FOR ADDITIONAL SNOW EQUIPMENT

Mayor Barry, the one thing that I have noted in reviewing the statements that you have made in your written testimony and in the interrogation that has taken place here this morning, is there has been no request or even intimation that more equipment is needed.

Is there more equipment needed for snow removal?

Mayor BARRY. Senator, first of all, I certainly appreciate your remarks in terms of the relative nature of what we were trying to do. It is our view that the situation was much worse in Maryland and Virginia, but that does not solve our problem in the District. Our schools were open on Friday, and it took a week for them to open in several areas.

But the problem, Senator, I do not think is one necessarily of equipment. I think that one of the controlling factors that we have to figure out is how to get—and I really want to work on this—a better relationship with the federal government in terms of these emergencies. That is not the only reason things did not go quite right, but that was the beginning reason.

We had snowplows and abrasive materials ready Wednesday night and early Thursday morning. Those plows and those trucks could not move because of the gridlock on those streets. Equipment certainly could be part of the answer. I suspect that more training of the contract employees—there were 170 trucks out that we contracted out—could assist. Again, if the streets are gridlocked, it is difficult.

Also, Senator, at that particular time on Thursday, on Pennsylvania Avenue, we had a demonstration of about 5,000 Right to Life marchers. That also brought more cars in. Certainly, my view would be that Pennsylvania Avenue and some of the major arteries ought to be the first to be cleared, so that the Congress, the President, and others can move back and forth.

Senator REID. Mayor, I am wondering, though—and I do not know—but is there a need for smaller equipment on some of the side streets?

Mayor BARRY. I think so, yes.

Senator REID. Because it appears to me they have these great, big snowplows, but they do not do anything to relieve the congestion on some of the side streets. I would like you to look at that, review that with your staff, bring that back to this subcommittee, to make a determination as to whether or not there could be some help given for some equipment to work in the side areas for snow removal, to get the cars out of the way.

Mayor BARRY. Senator, let me suggest that we are doing that now. As you probably know, since this is a federal city, I think the federal government ought to participate financially, so that all the funds for equipment will not come out of our local tax dollars but will be shared by the federal government.

Senator REID. Well, you bring that back, and we will look at that closely.

Mayor BARRY. Maybe we could look at a special kind of appropriations where we could have smaller snowplows and other equipment that the federal government would help us to purchase out of federal dollars.

Senator REID. And I will bet there would be a way that you could look at that equipment when it is not snowing—which is of course most of the time—that it could be used for other things.

Mayor BARRY. Yes.

Senator REID. So bring that back and I personally will look at that very closely.

I have no further questions, Mr. Chairman.

[The information follows:]

Special Snow-Fighting Equipment for Federal Funding

Statement of committee/member concerns:

Type and amount of equipment needed and purposes for which it will be used.

Current status of snow-fighting equipment/equipment needs

The District of Columbia's snow removal fleet is severely overaged.

According to the American Public Works Association, the Associated General Contractors of America and other organizations in the field, the maximum useful life of a snow removal truck averages 6 years and only rarely exceeds 9 years. The spreader bodies which handle abrasives have an average maximum useful life of 8 years with 90 percent being retired by the 12th year.

By these definitions, 17 of the 34 trucks and 41 of the 57 spreaders in the District's snow fighting fleet have exceeded their maximum useful life. In fact, of the 107 vehicles in the snow fleet, 26 were purchased in or before 1972.

This equipment aging problem significantly affects the District's snow removal program—most importantly in delaying the city's ability to mobilize full-scale snow fighting operations, increased breakdowns (and therefore route completion delays).

With the purchase of the requested snow removal equipment, the District government will be prepared to mobilize effective snow removal operations to keep major arterials, secondary streets, and the business district clear for movement of traffic.

Critical Snow Removal Equipment Request

A.	*Equipment for snow removal from main arterials and secondary arterials in the District of Columbia*:	
20	Jet and tail gate spreaders @ $10,000 each	$200,000
12	Dump truck spreaders @ $50,000 each	600,000
2	Motor graders @ $88,000	176,000
6	Front-end loaders @ $70,500	423,000
100	Plows, frames and pumps @ $3,000 each	300,000
1	Fuel tanker @ $85,000	85,000
	Subtotal	1,784,500
B.	*Equipment for snow removal from residential streets in the District of Columbia*:	
20	Four-wheel-drive utility trucks equipped with snowplows and radios @ $16,000 each	320,000
4	Front-end loaders[1] @ $60,000 each	240,000
2	Carryalls, 7-passenger, 4-wheel-drive @ $15,000 each	30,000
160	Sets of tire chains	20,250
100	Snowplows and A-frames	250,000
20	Two-way radios	20,000
	Subtotal	880,250
	Total	2,664,250

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[1] Smaller units for use on narrow streets and cul-de-sacs.

ADEQUATE FUNDING FOR NATIONAL GUARD

Senator **Harkin**. Thank you, Senator Reid.

General **Franklin**. Mr. Chairman, may I make one final comment?

Senator **Harkin**. Yes.

General FRANKLIN. We have an excellent working relationship with the Mayor and his staff. As I stated earlier, we have the same specific mission that the other states have.

There is one other unique situation here. We do not have near the dollar equivalent for the D.C. National Guard for us to respond to emergency situations as other states. We have a capability of two mobile hospitals to respond to mass casualties. These could be employed anywhere on the streets. You will find in other states—and I have a listing of all states. Six states smaller than we are, with less people than we have in our Guard, which is roughly 4,000—with a larger comparable budget for their Guard units than we do. This affects our capability to respond to emergencies. The other state budgets are programmed, in advance, and when they respond to emergencies, for example, in Maryland or in Alabama, they are on the state payroll and state duty. Yet federal equipment is free. I do not have that kind of preprogrammed budget.

Senator HARKIN. Would you give me something in writing on that, General Franklin?

General FRANKLIN. I sure will.

Senator HARKIN. I would appreciate that very much.

Does anybody else have anything they want to bring up before we excuse the panel—Ms. Winter or Mr. Touchstone?

Ms. WINTER. No.

Mr. TOUCHSTONE. No.

CLOSING REMARKS OF SENATOR HARKIN

Senator HARKIN. Well, Mr. Mayor, I again want to thank you on behalf of this subcommittee and myself personally. I know I speak for Senator Reid and the other members of the subcommittee in thanking you for your willingness to appear here, for your forthrightness, and for your determination to meet these contingencies head-on in the future.

Again, I join with Senator Reid in saying that I am very respectful of home rule; I am a very strong supporter of home rule for the District of Columbia. I have voted in the past for voting rights for the District of Columbia, and if it comes up, I will do it again.

But as long as this is a federal city, and as Senator Reid said, we have that kind of joint responsibility, I just want you to know that whatever we can do to work with you and your government here to help in any way, I think you will find us a very willing partner to do that.

So thank you again for appearing.

CLOSING REMARKS OF MAYOR BARRY

Mayor BARRY. Mr. Chairman, thank you for calling this hearing. As I said, I think the leadership has to be straightforward, forthright, and in some instances courageous.

I do not know what it is about snow, but it is probably one of the most emotional situations that I have ever encountered as a politician or an elected official. Those of us who live in the District are not accustomed to a lot of snow. Out in Iowa and other places where you are accustomed to it, maybe you do not react quite the same way. Whenever there is an inch of snow here, it almost totally immobilizes the city, and people just get frantic about it. So hopefully, we can try to get at it, and I am serious about trying to take the leadership and coordinate the region and the federal government. We will come back with some specific suggestions that this subcommittee could assist us in, particularly in the area of federal help in terms of dollars for certain kinds of equipment since this is a shared responsibility.

My concern is that the responsibility is shared, but the cost is not always shared. So I think if the responsibility is shared, the cost ought to be shared.

Thank you, Mr. Chairman.

Senator HARKIN. OK. Thank you, Mr. Mayor, and thank you all very much.

And you will send us that material, General Franklin?

General FRANKLIN. Yes, sir; I certainly will.

OFFICE OF PERSONNEL MANAGEMENT

STATEMENT OF DR. JAMES COLVARD, DEPUTY DIRECTOR

INTRODUCTION OF WITNESS

Senator HARKIN. I would like to call next Dr. James Colvard, Deputy Director of the Office of Personnel Management.

Dr. Colvard, on behalf of the subcommittee, welcome to the subcommittee. We appreciate your willingness to come up and testify. I have a copy of your written statement, which will be made a part of the record in its entirety.

Please proceed as you so desire.

THE DECISION PROCESS

Dr. COLVARD. First, Mr. Chairman, let me express my appreciation for the opportunity to help clear off the snow. You have a record of procedures that we use. I think they are very straightforward. Our first concern, of course, is for the safety of our people. We have an obligation, as Senator Reid has pointed out quite well, to do the federal government's business, and we try to balance those two concerns.

First, we have to ensure that our people get to and from work as safely as possible. We collect information from all the sources available to us on the weather situation. We rely on the National Weather Service as our primary source. Since our people are on flexitime, we have to make the decision quite early, and so we do collect the information. Mr. Thompson, who is here today, collects that. He was referred to earlier as having coordinated with the District.

Once we have the information available we make a decision in order to let the radio and television stations inform our employees. That decision is made by the Director of OPM. It was indicated earlier that a senior person should be available. I assure you that Mrs. Horner is available, does make the decision, and we announce it promptly.

On the day we are talking about, the Thursday that we had the big snow, as you pointed out, at 8, you could get to work. I drive 65 miles in to work, and I got in to work that morning with no problem. We in good conscience could not shut down the federal government on the basis of the data we had and on the basis of the street conditions at that time.

As you know, of course, we sit in the curve ball area of climatological conditions, and the ball took a different direction. And as soon as we saw the change and were so informed by the Weather Service, we changed our decision. We changed that decision on the basis of concern for our people. People had to get back home before dark.

We debated whether or not to leave people in the offices and work that day, or to let them leave and return the next day. We did coordinate with all the people involved, including the District, including Metro. In fact, we had excellent cooperation from Metro. Metro held on the line while we debated the issue, while Mrs. Horner made the decision, and we had to make that decision before Metro released their rush hour crew, so that they would have the maximum number of people available to transport our employees back home safely.

We made that decision quickly. We did not have time to call a conference and sit down and talk about what do we do several hours from now. The rate of snowfall was 2 to 3 inches an hour. The prediction at that time was as much as 12 inches. So we had to make a decision.

We did make a decision. The people who were able to defer their work were released to go home. The critical work of the government proceeded. We did not shut down the government. We deferred that work which could be done at another time. Checks got paid; Social Security checks were cut. Our people got paid. Critical functions of the government were carried on. I stayed there, and the Director stayed there and worked all day, and many of our employees did also.

NEED FOR COOPERATION

We have cooperated over the years with all of the area governments because we recognize as the major employer in the area we have a responsibility to cooperate in terms of minimizing the impact. I think this is reflected in a couple of things. It is reflected in the fact that we have flexitime and staggered work hours so that the federal employees can come to work before the majority of people in the private sector. Our people come to work between 7 and 8:30 usually and leave starting as early as 3:30. This is again a reason why we have to get out the announcement very quickly, and we cannot delay. Had we been able to delay until 9 and gotten additional data, or even as late as maybe 7:30, perhaps we would not have called the people in.

We have cooperated with the Council of Governments. There was reference earlier to a letter of some 4 years ago. I cannot take responsibility for an action of 4 years ago, but I assure you that ever since Director Horner and I have been there we have cooperated fully. As late as the 5th of this month, we were at a meeting called by Mr. Herrity, and we have agreed to work with all of the area governments in working out as effective a communication process as we can.

It is my opinion that the problem is not the communication channel; it is not a problem of information. It is a problem of response to the data. This is a capital city. It has not only capitalists, but it has 300,000 federal employees. Those people have to come to work. They have to get the business of the government done. We have an obligation to see that they get to work.

We cannot use that work force simply to alleviate problems in the area. We try within our responsibility as fellow employees and spenders of the taxpayers' money to accommodate as much as possible. But we simply cannot make that the reason we exist.

Even after we had shut down the government on Monday following, in which there were no employees on the streets, for several days thereafter, we had to have delayed arrival because people simply were having great difficulty getting through the streets to get to work.

I think that pretty well summarizes the points I wanted to make. I assure you we recognize our responsibility to cooperate with the other area governments, with the highway departments, certainly with Metro, and we will continue to do so as we have in the past.

I will be pleased to answer any questions, sir.

PREPARED STATEMENT

Senator HARKIN. Dr. Colvard, thank you very much.

I have a copy of that letter that you talked about that was sent to Mr. Donald Devine on March 28, 1983, signed by Carl F. Hendrickson, Chairman of the Board of the Metropolitan Washington Council of Governments, and we will include that in the record along with your prepared statement. There is also a little picture here of cars stuck in the snow, and an article with the heading, "Never Again."

[The statement and letter follow:]

STATEMENT OF JAMES E. COLVARD

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear here today to discuss the "Blizzard of '87" and the role played by the Office of Personnel Management when it snows in Washington.

The Federal Government is the largest employer in the Washington Metropolitan area. About fifteen percent of the Federal workforce is in the Washington area. That means that about 85 percent is not.

When it snows in Washington, we want to do everything possible to ensure that our employees in the capital city can commute safely to and from work, while at the same time making sure that--to the extent possible--Federal services continue to be provided. Washington is the headquarters city: the 85 percent of Federal employees who don't work in Washington need a functioning headquarters, and citizens who call Federal agencies in Washington expect someone to be in the office to handle their inquiries.

Our mission is to have Federal employees at work when possible, while making allowances for the difficulty they'll have in commuting between home and office.

The system which allows us to do this has been essentially unchanged for many years, although there have been some improvements in it. Let me explain how it works.

The Federal Government employs professional meteorologists who are on duty 24 hours per day. I am speaking, of course, of the able professionals of the National Weather Service. They advise us of storms which threaten Washington, giving us their best judgement of the situation. They are professionals who make their best prediction based upon the information available to them at the time the forecast is due.

At the outset, let me emphasize that OPM makes a decision based upon the forecast and the observed weather conditions. A weather forecast indicating an impending major snowstorm is only the first element in the decision-making process. As those of us who live in the Washington area know all too well, a predicted snowstorm frequently either does not arrive or is be much less severe than expected. It is essential, therefore, that we consider actual road conditions at the time the decision is made before taking such serious action as closing Federal offices.

Since most snowstorms arrive in the early hours of the morning, these consultations take place through the night to enable us to deliver instructions to Federal workers before they leave their homes. Since many Federal workers must leave home at 6 o'clock in the morning in order to arrive at work at 7 o'clock, our decision must be made and announced at a very early hour. Those times are important: Federal workers are on a flexitime system, and many of them come to work earlier than most private-sector workers. They need instructions early.

Washington's radio and television stations cooperate by announcing the decision on their 6 o'clock newscasts. In order to call all of the stations by 6 o'clock, we must make the decision no later than 5:40am.

We therefore begin telephone checks about 4:30am with the National Weather Service and with the police and highway departments of the District, Maryland, Virginia and the suburban counties and cities. The checks are very thorough and are intended to let us know weather and road conditions throughout the Metropolitan area.

Since the District of Columbia is the destination of so many commuters, the procedure with the District is more formal. The District's Office of Emergency Preparedness originates a conference call at approximately about 5:15am, with the city's transportation, snow-removal, and emergency preparedness people, and with staff of the U.S. Office of Personnel Management. The situation is assessed and the best course of action for Federal and District of Columbia employees is discussed.

After that conference call and the other telephone checks, the Director of the Office of Personnel Management is briefed by her staff. She makes a decision for Federal employees and that decision is relayed to the radio and television stations, which announce it by 6 o'clock.

During a daytime storm, the same type of information on weather and road conditions is gathered. Federal employees may be sent home early if conditions warrant. In that event, OPM uses a "staggered" dismissal, sending employees home in stages, so that the roadways aren't as badly overloaded.

Let me now address the situation on January 22nd.

Quite simply, the Office of Personnel Management acts upon the best assessment of weather conditions which the Weather Service can provide, supplemented by information received from the sources noted previously. By 5:40am, when the morning decision had to be made, the forecast was for a light to moderate snowfall later in the day. In addition, there was virtually no snow on the ground most places in the Metropolitan area. Given these conditions, we decided not to announce any changes in the Federal workday.

As the rush hour progressed, driving conditions became more difficult as the snow began falling heavily. By 9:15am, the National Weather Service told us it would be revising its forecast. We stayed on the line with METRO, which could keep its drivers on duty if they knew we might make a decision to send employees home. Based on the new forecast of a heavier snowfall, the Director decided at 9:30am to send employees home, using a phased dismissal, starting at 10:30am.

We notified METRO immediately, and then used a special civil defense telephone system to alert all Washington-area police departments simultaneously. We called the radio and television stations and the Federal agencies. Virtually all of the notification was completed by 9:45am.

Federal employees were dismissed, and for many of them, it was a difficult trip home. METRO and the District Government told us later in the day that they were pleased that we made the decision early in the morning.

We have been asked to comment on the cost of sending employees home or bringing them in late. We have no estimate of this cost. Some Federal employees are deemed essential and must come to work regardless of conditions. Others live near their work site or make special efforts and will be at work even in heavy snowstorms. Some Washington-area employees, on any day when it snows, will be traveling and will perform their work on schedule. Some will be on annual or sick leave when it snows. Some people in each category make more money than others. Payroll and leave records for the Federal government aren't kept centrally. They are kept by each agency.

For these reasons, it would be a mammoth accounting job to figure out the cost of a decision during any given snowstorm, and there would be no guarantee that it would hold true for the next similar decision in the next snowstorm. While we are concerned about the cost of our actions, our first concern is the safety of Federal employees.

I would now be happy to answer any questions you may have.

Thank you.

Letter From Carl F. Henrickson, Chairman of the Board, Metropolitan Washington Council of Governments

March 28, 1983

Mr. Donald Devine
Director
Office of Personnel Management
1900 E Street, N.W.
Washington, D.C. 20415

Dear Mr. Devine:

At its March meeting, the Board of Directors of the Metropolitan Washington Council of Governments (COG) received a report from its Public Safety Policy and Police Chiefs Technical Committees on the snow emergency problems throughout the region on February 11, 1983.

COG is the metropolitan wide planning and coordination body representing the sixteen major local governments in the Washington Area. Since its inception, it has addressed issues concerning the regional coordination of government services and activities in emergency situations. Through various policy and technical committees, it has developed mutual aid agreements to provide concerted action in the event of natural or man-made disasters and emergency situations.

It is with this background that our Public Safety and Police Chiefs Committees evaluated the significant problems attendant to many of the area's residents attempts to reach their places of employment and return home during the severe snowstorm last month.

The Police Chiefs' Chairman, Chief Maurice T. Turner, Jr. of the District of Columbia, presented a report from his Committee on this situation at the March 9, 1983 Board of Directors meeting. The thrust of the Committee's report is that both the area's Police Chiefs and the Public Safety Policy Committee, composed of local elected officials from the participating local governments in the region, believe there is a need to reassess and, if possible, improve the decision-making process which leads to release of federal, District and other employees in times of snow emergency and other severe storm conditions.

Chief Turner's report indicates that the problems experienced by area local governments in coping with and cleaning up after the storm on February 11th were caused largely by the vast number of commuters who found themselves and their vehicles stranded in the snow.

In addressing this problem, the Police Chiefs and COG's Board of Directors have concluded that situations of this type may be minimized in the future if federal and local government officials in the region take steps to assess the polices , procedures and coordination arrangements for excusing public employees from work or providing for early release of employees in severe weather conditions. Specifically, we believe that some attempt should be made to develop objective standards for all the parties to utilize in such circumstances. With this in mind, the Board of Directors authorized me to communicate our concern to your office and offer our assistance in working to develop mutually satisfactory procedures to improve the policies and arrangements currently in use.

Our primary interest is to work cooperatively with you on this matter. Our preference would be to attempt to establish a working group to assess and develop improved policies and procedures. But we are amenable also to any alternative approach to addressing this critical problem that might be more satisfactory to your office.

We believe this is an area where federal and local coordination will enhance our capacity to deal with such problems in the future and redound to the benefit of all the citizens living within the Washington-Area.

We look forward to hearing from you and working closely together with you on this matter.

Sincerely yours,

Carl F. Henrickson

Carl F. Henrickson
Chairman of the Board

Never Again!

[From the Montgomery Journal, March 3, 1983]

Remember Feb. 11—when the federal govenment refused to call off work despite predictions of a wicked snowstorm?

The police remember it, as do the hundreds if not thousands, of federal workers who spent hours vainly trying to get out of a snow-buried city that comes to a dead stop at the first flurry.

The federal government's refusal to cancel work that day led to huge traffic jams. But worse, dozens of abandoned cars hampered snow removal efforts for several days afterwards.

With that incident fresh in their minds, the police chiefs of Montgomery County, the District and all the other area jurisdictions jointly asked the Washington Metropolitan Area Council of Governments to politely suggest to Uncle Sam that some changes be made in government snow-day policies.

COG yesterday agreed to ask the federal government's Office of Personnel Management to take a look at how decisions are made to cancel work in the event of snowstorms or major disasters.

STAGGERED RELEASE

Senator HARKIN. I know these things are difficult in terms of snow and so on, but as I said, I came in at 8 in the morning, but also, like any other normal person, I turn on the television in the morning and get all the news reports, and they were predicting that there could be up to 8 inches of snow that day. They were predicting up to—they did not know, obviously, but they said there was a possibility that it could be up to that much.

So I was fully aware that there was a possibility there would be a lot of snow that day. Now, having said that, I remember when the decision was made in the morning to start letting people go home. In fact I remember at one point in the afternoon, talking to an individual downtown who was leaving to go home, and I think he left at around—it was after lunch, so I do not know—1 or 1:30, and it took him about 3½ hours to get out to Alexandria.

I decided to wait. My wife and I left to go home at 7:30 that night, and it took us less than half an hour to get home. We had to dodge a lot of cars that had been abandoned, but there was not any traffic.

Again, I just wonder about somehow staggering this thing out, in terms of letting people go. It just seemed like there was this huge, mad rush right around noontime, for everyone to just get out of town.

You mentioned that people had to get home before dark. I do not understand why. I mean, why couldn't there be some more orderly procedure, like perhaps everybody with the last name "A" leave at a certain time, those with "B"—I do not know how you do it, but some process of singling out different groups.

Dr. COLVARD. Yes, I understand your point, Senator. And the reason the streets were clear at 6 is because we let people go home at 10:30 and 11:30 a.m. Had we waited until 3:30 or 4, it would have been really jammed up.

Our concern, frankly, was for people who had to get home, pick up children from nursery, and things like that. When I said they had to get home before dark, we did not want people abandoned in a snowstorm in the dark, because we really do have to be concerned—and are concerned—for the safety of our people. And it is a judgment call.

We talked at some length about should we let people stay, because they had already reported, and take the chance that the 12 or so inches that was now clearly predicted would not occur and in fact the streets could get cleared, and the transportation system could handle them. And we made a judgment call. We made a judgment call that it was in the best interest of our people to let the ones who were not critical—critical people did stay.

Now, in terms of the release process, the decision was made to release on the basis of geography to take into account two things: to release first, those people who were going into the areas where maximum snow was predicted, and second, to take into account carpools and that sort of thing.

When you release by alphabetical order or agencies, you run into a problem that people tend to carpool from different agencies, but they carpool from areas.

Now, as it turns out, of course, as soon as people get the word, as you said, being human, they get anxious, and they start leaving. And I frankly do not know any way you can control that. Once the word gets out that at any time the federal government is going to authorize closure, people start leaving.

SNOW RELEASE CRITERIA

Senator HARKIN. Just one last question. I guess it is just a judgment call. What kind of criteria do you use in terms of dismissing people in the event of snow—is it 1 inch, is it 2 inches, or is it just something you have to just sit and look at?

Dr. COLVARD. It is a judgment call. As I say, we have a very organized process that we go through very early in the morning, and we try to project the road conditions. We do get on the Federal Emergency Management Agency's telephone network, and we talk to all of the state police and people like this. You could have an ice storm, for example, that might be severe, but you expect that later in the day it will warm up. So we have gradations of reaction. We can delay arrival. We have to do that very carefully because again, as I said, our people come to work early. If we delay arrival, then we back them up into the people who come to work later. So you have to think about that.

We can authorize leave for people who do not want to risk it. That lets people make an individual decision. And we often do that. That is what we did several days after the final snow, when they were still trying to clear the streets. We let people decide for themselves whether they would have to truck in or not and work it out with their individual employers.

There is not a magic formula. It depends a little bit when the snow is predicted to fall, because when we were bringing the people in, they were saying from 2 to 4 inches perhaps by noon. Well, that turns out to be an optimum hour; if it snows at noon, then by rush hour, you have got time to clear the streets in the morning rush hour, it has not fallen yet. Well, of course, it accelerated, and it went all day and into the evening.

As I say, we live in a curve-ball area. We have to call it when the ball is over Tennessee. Sometimes it hooks right and goes over Norfolk, and we are OK; sometimes it hooks left and hits us right in the nose.

Senator HARKIN. I have to leave for a few minutes, and I will be back shortly. I am going to ask Senator Reid to take the chair.

CORRECT DECISION?

Senator REID [presiding]. Dr. Colvard, the difference I hear between your testimony and that of the Mayor is that you are not acknowledging you did anything wrong; that the procedure you used is good, and you are going to continue using it in the future?

Dr. COLVARD. That is correct.

Senator REID. Well, I would have to say that if that procedure is good, then we had better reexamine things, because I do not know of anyone other than you who thinks just letting anybody go was the right idea.

For example, in hindsight, if everyone had stayed and worked full-time, the snow stopped that evening, and by the time people were going home, they could have cleared the streets. That is one way to look at it.

I just have to think that there must be—we have computers that send people to the moon, and all kinds of things—and we must have a way we can stagger the workers so that they can go home in an orderly fashion, because literally, they had—the word was "gridlock," and that is certainly what it was. There were just too many people traveling in the conditions, and the problems, of course, with people leaving the District of Columbia, trying to get over the bridges.

Can't you see some better method we could use to let the people go home?

Dr. COLVARD. Well, let me make a couple of points on that, Senator.

First of all, you have to make a decision on the data that you have at the time. If we had the ability to know from minute to minute, from hour to hour, several days in advance, exactly what the weather conditions would be, we would make better decisions. They would not be decisions then; they would be findings of fact. Decision means you have incomplete data. Humans make decisions; computers find facts.

We made a human decision based on the best data available to us. Our premises were correct, our intentions were correct. Our intention was first to bring the people in to do the work the taxpayers pay them to do. It was based on a projection at that time of safe conditions to do that; we did that.

Senator REID. OK, but after they once got here——

Dr. COLVARD. After they got here, we had to try to predict whether or not the snow would be so severe that it could not be properly cleared or would be so deep that people would be caught at night. Now, it turns out that I think we made a good decision because unavoidably, due to equipment problems, there were some freezeups in the Metro aboveground rail later in the evening. Many of our people got properly handled by Metro and got home on time, safely. Had we kept them later, we might well have had a problem where we had people who could not get home, who did not have cars.

So again, in hindsight, clearly——

Senator REID. Well, you do not think that there is any process whereby you can stagger the people going home. You just think it is inevitable, when the government announces they are going to close, that everybody just takes off?

Dr. COLVARD. No, Senator, I did not say that. I did not mean to say that. I was going to make a second point. The 300,000 people do not work for OPM. About 3,000 of them in the District work for OPM. The rest of them work for all the other agencies.

What we do is try to establish a policy that other agencies follow. They are responsible for carrying that out. That is not to suggest that they did anything wrong. I am simply telling you that the government is not a monolith with a unified system of control to each individual. You have to make policies that agencies then try to follow rationally.

The decision we made that morning was based on the criteria I just told you, in terms of carpooling, in terms of the area impact, in terms of getting home before dark in the evening.

We have previously used approaches that allow agencies to leave by individual agency. We are reviewing that process. The process of the release control mechanism, I would agree with you, could be modified. When I said we did nothing wrong, I am talking about the decisions that we made at the time that we made them, based on the data that we had at that time.

RELEASE BY AGENCY

Senator REID. Did OPM once have a policy of staggering by agency?

Dr. COLVARD. Yes, sir, we did. As I just said, we had a policy of staggering by agencies, and the reason we made the decision that morning that we did was because there was a prediction that there would be much more severe snow in Virginia earlier in the day than in Maryland, because they were talking about 12 inches in Virginia and less in Maryland, and we released on the basis of the highest snow impact area.

In hindsight, they both got inundated, and it did not make that much difference. But I reemphasize, a decision is based on data that exists at the time.

Senator REID. Let us assume that the federal government had a policy of when there is a closure for whatever reason that there is a staggered release period. Wouldn't that be better?

Dr. COLVARD. I think if you make an allowance for carpooling, for example, people who work in different agencies ride to work together. We encouraged that when we had the energy crisis. My point is that it is a complex process, as you are correctly pointing out. We are looking at ways to improve it. Whether or not the agency-by-agency release—which in the past did not have much better effect; as the Senator just pointed out with his copy of the photo from the 4-year-ago letter of the impact, at a time when we were using the agency-by-agency stagger. Quite frankly, we thought this would work better. It turned out it did not make much difference.

Senator REID. Tell me why you thought this would work better.

Dr. COLVARD. We thought it would work better because we were going to release in the areas of the heaviest snow earlier so they could get away, and it would take into account people who carpool, because you carpool by area rather than by agency, sir.

Senator REID. So you released everybody.

Dr. COLVARD. No, sir. At 10:30, we released the people from Virginia, and at 11:30, we released the people from the District and from Maryland.

Senator REID. But what you said is that once there is an announcement made by your office, everybody goes home anyway.

Dr. COLVARD. I said human nature being what it is, people get concerned about snow—and this was pointed out earlier by Senator Harkin—that people start leaving. You cannot physically police it well enough to keep them from leaving.

CONSIDERATION OF NEW POLICY

Senator REID. Who is developing this new strategy for releasing people?

Dr. COLVARD. Director Horner and I and her staff are taking a look at that.

Senator REID. When do you expect to have something on that?

Dr. COLVARD. I would expect we will have something on it in the next few weeks.

Senator REID. Would you make sure that Senator Harkin gets a copy of that?

Dr. COLVARD. Certainly.

Senator REID. OK. That would be good.

I just would think that if in fact the District develops a policy for clearing the streets more quickly—towing cars, ticketing cars, getting some new equipment—and the federal government had a system whereby on these streets that are going to be cleared more quickly, with less cars parked along the way, had a system for staggering the work force, it seems to me that all this working together would make for a more orderly release out over the bridges into Maryland and Virginia.

Dr. COLVARD. Certainly. We have no argument with that, and I have said repeatedly, we have cooperated, we intend to cooperate. The point I am trying to make is that we do not have a magical solution for releasing a disparate group of 300,000 employees.

We can tell people by agency how to do it, but human nature being what it is, the minute you begin to make the decision, it is extremely hard to control.

We certainly will look at processes by which we can try to more effectively do that and deal with the agencies to see if they have better ways of dealing with their employees.

Senator REID. There is no one else to ask questions, so you are relieved of further responsibility to be here today.

Dr. COLVARD. Thank you, sir.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

STATEMENT OF CARMEN E. TURNER, GENERAL MANAGER

INTRODUCTION OF WITNESS

Senator REID. We will now call Ms. Carmen E. Turner, General Manager of the Washington Metropolitan Area Transit Authority.

Ms. Turner, we have a copy of your statement, and it will be made a part of the record in its entirety, and if you would at this time summarize your statement, that would also be appreciated.

SUMMARY OF STATEMENT

Ms. TURNER. Thank you, and good morning, Senator Reid.

I would like to just quickly summarize my statement.

I think that it is important to point out, as the previous speakers have pointed out, that most of us recognize that we did some things well, and there certainly are many things that we can do better in severe weather in the District.

In Metro's case, we have now had the experience of three major snowstorms. In 1979, we had a snowstorm, and we had to shut down. We assessed the circumstances at that time; we made improvements; we bought equipment, and we thought we were prepared to handle snow.

In February 1983, we had another severe snowstorm. We recognized that, while we had learned some things in 1979, we still were not there, and we had to shut down. And as a result of that, we then identified additional equipment that we needed, including flatcars outfitted with scraper blades that would allow us to scrape ice from the third rail. We believed at that point that we had also, once again, found a solution to improving Metro's performance in severe weather.

THIRD RAIL ICING PROBLEMS

In the most recent snowstorm in January, we put the equipment purchased, some of which was manufactured in-house, into operation; we followed all of our snow emergency procedures and policies; we set up our Emergency Operations Center. And what we discovered was that we did not have enough equipment to take care of the severe storm. We had problems with our track and roadway. We had problems with our railcar and bus availability. And I think that our greatest problem came from our inability to give the public good, accurate information in a timely fashion.

As we have indicated over and over again, ice formed on the third rail, both on the revenue lines and in the train storage yards. Fifty percent of our service is now above-grade, and we also have an additional 25 miles of track in our yards.

Our buses experienced the same difficulty that other vehicles experienced when attempting to negotiate on the unplowed streets.

I indicated that we manufactured some equipment that we believed would enable us to operate better. This was in the nature of third rail ice scrapers. We believed that those scrapers would travel at somewhere between 30 and 35 miles an hour and scrape the third rail. When we actually put them into service, they were able to operate at 5, sometimes 15, miles an hour, which certainly did not come near our estimates that we used to schedule the scrapers.

NEED FOR INTERGOVERNMENTAL COORDINATION

We have worked with the Mayor's Command Center, and we worked with OPM. And I might say, having listened to the previous testimony and questions, that a major effort should be made in this region to improve intergovernmental coordination. I believe that all of us can do better. And I would urge that out of the various programs and activities undertaken by COG and undertaken by the various agencies, that we have a severe weather meeting annually, in October or November, to prepare for severe weather in this region, and that this meeting become institutionalized, because people change, progress is made, conditions are different. But if we were to say at the beginning of every fall, early winter, that we are going to go back and assess the bidding and have continuity in our planning and programming, I think that would go a long way to keep in the forefront the lessons learned in previous severe weather conditions.

STEPS FOR IMPROVEMENT WITHIN TRANSIT AUTHORITY

Now, we are taking some steps within the Transit Authority. Clearly, we can improve on communication, and we are doing that, and we will make sure that our marketing and public affairs people have good information for the public. We will use our management staff more effectively; we are going to put them out through the system during severe weather so that they can provide better information to our riders.

We are looking at our equipment, and we recognize now that we have to make some modifications in equipment. We are looking at switch heaters, at third rail heaters, at modifying the third rail coverboards. We need more snow removal equipment for the yards, the mainlines and terminals. We are looking to see if our cars can be modified to reduce the amount of snow intake. And certainly there are areas where we can improve drainage along the right-of-way.

Some of those things will take time. Our goal is to at least have some heated third rail in place by the beginning of next winter.

We are pleased that Mrs. Dole and the administration have offered assistance in this area, and we are putting together a package which we will get to the administration hopefully within the next few weeks.

—

Clearly, there are things that we can do now for this winter. We can look at the kind of service we provide. We can look at the operations. We can see if we can store more trains underground, whether we should operate longer trains. We can have a more structured approach to the bus bridges. We are putting snowplows on all of our locomotives and prime movers. We are finding better ways to clear parking lots. Those kinds of things we can do in the next 2 to 3 weeks.

The procurement of equipment will take longer. But clearly, by next winter, we do want to have some portion of the yards and the revenue lines heated with third rail heaters.

And then, of course, we want to integrate all of that into the construction plans for those segments that are still unbuilt.

I would like to say that this is the first time Metro has operated this much service in this heavy snow, and we have learned a lot. And we intend to use that in a positive and productive way.

Our goal is to provide safe, reliable public transit for this region, and we have had a history of doing that. I pledge to you, the Metro Board pledges to you, and the Metro staff, that we will continue to work toward providing the best public transportation for this region.

I would like to answer any questions you may have.

PREPARED STATEMENT

Senator Reid. Thank you, Ms. Turner. As I stated earlier, your entire statement will be inserted in the record.

[The statement follows:]

STATEMENT OF CARMEN E. TURNER

Good morning, Mr. Chairman and members of the Committee. Thank you for the opportunity to testify on the recent back-to-back snow storms which compromised the transportation system of the Washington region and on the steps we are taking to improve our ability to move people in severe weather. I would like to briefly describe the transit Authority's experience with major snow storms and then discuss actions that we are taking to enable us to provide substantially better service during weather emergencies.

There have been three major snow storms in Metro's ten year history. The first storm occurred on February 18 and 19, 1979. Extensive analysis of Metro service during the 1979 storm resulted in several recommended changes in Metro's operations during snow emergencies. In addition, the WMATA Board of Directors approved $970,900 for winter equipment such as additional snowblowers, plows and 4-wheel drive vehicles intended to counter a snowstorm of ten to twelve inches in a twenty-four hour period. This equipment was purchased and put into service.

On February 11, 1983, the Washington region experienced snow accumulation of nearly twenty-four inches in parts of the area. Following the 1983 storm, Metro officials developed a comprehensive snow emergency response plan. We outfitted four rail flat cars with de-icing equipment and installed plows on all of our prime movers that are part of our track maintenance equipment. At that time it was recognized that additional equipment needed to be bought as new above ground rail segments came into revenue service.

Let me now turn to the events surrounding the most recent snow storms on Thursday, January 22 and Sunday, January 25, 1987. As required by the transit Authority's internal procedures, a snow emergency was declared on January 22, 1987 and an Emergency Operations Center (EOC) was activated. The EOC operated continuously for eight days until January 29, 1987. One of the major problems the EOC faced was making service decisions in light of rapidly changing weather conditions. Throughout the snow storms, weather forecasts continually changed as snow accumulated, at times as quickly as two inches per hour, leaving a total of 20 inches on the ground by Monday night. Generally speaking, problems were in the following areas:

- track and roadway conditions,
- rail car and bus availability, and
- passenger inconvenience and communications.

Icing occured on the third rail both on revenue lines and in our yards. Half of the Metrorail system is above ground, plus 25 additional miles of track in our yards. The large snow drifts and configuration of both the yards and the right-of-way provided limited space to dispose of accumulating and drifting snow.

We had some problems with rail car availability and bus access. The snow and ice caused an exceptionally large number of rail car failures. Air intakes were blocked causing component overheating, short circuits and blown fuses. On many of the cars, doors froze either open or closed. Snow drifts and icing prevented us from moving failed cars into yards and good ones out.

Our buses experienced the same difficulties as other vehicles in attempting to negotiate unplowed streets and streets clogged by stalled, abandoned and parked cars. Some streets were impassible and had not been sufficiently salted and sanded. Even when people were able to get to the main roads, often the bus shelters were full of snow and our passengers had difficulty getting to the buses over the mounds of plowed snow.

Perhaps our most significant difficulty was our inability to communicate to the public about service schedules. Our decisions and announcements were based on all the best planning and scheduling information available to us at the time. Given the severity of the storms and the actual performance of the track equipment, our schedules were overly optimistic.

For example, Metro has four scraper consist trains that clean the track and de-ice the third rail. We estimated that it would take 2 hours each to scrape four lines and three hours for one line. This estimate was based on tests that showed that our scrapers operate at 30-35 miles per hour, without snow. We learned that with the amount of snow accumulated and drifting the scrapers could only achieve five to fifteen miles per hour.

As new information became available, we continued to reassess the situation and took the necessary actions. We had frequent contact with the Office of Personnel and Management (OPM), the Mayor's Command Center and local jurisdictions. By Tuesday, January 27th, the communication flow to the public and the media had improved substantially. Rail service was fully restored on January 31, and all snow related bus detours ended on February 4th.

As General Manager of Metro, I have identified the following areas that need improvement:

o COMMUNICATIONS

- Our Marketing and Public Affairs offices will receive more timely and accurate information from Operations. One person in the operations control center during weather emergencies will be designated to provide passenger information. A new master passenger communications plan will be developed and implemented immediately.

- A program is well underway that will assign management personnel to all rail stations and major bus terminals during snow emergencies. These managers will assist operational personnel and also provide a direct communication link to the EOC. This program will serve as a check against what is actually happening at all the stations and will give the emergency command staff current information as it is being experienced by the riding public.

- There is a clear recognition throughout the region that additional coordination between OPM, the Mayor's Command Center, the local jurisdications and Metro can enhance the effectiveness of severe weather response. This was one of the conclusions reached at the regional "snow summit" that I attended, along with several local, state and Federal officials. We are establishing better communications with all state, local and Federal agencies involved in a snow emergency.

o EQUIPMENT

- As we move forward to augment our equipment for severe weather, our decisions will be based on prudent, rational, business-like criteria. We are studying, designing and beginning possible procurement in the following areas:

  - switch heaters,
  - third rail heaters,
  - modification of third rail coverboards,
  - snow removal equipment for yards, mainline and terminals,
  - rail car modifications,
  - drainage improvements along the rail right-of-way.

o EMERGENCY PROCEDURES

- We will be revising our internal emergency procedures to perform more effectively and realistically with severe weather. This was the first time in the history of the transit authority that we continued to operate in this much snow. We are reviewing all of our procedures and changing those where we had failures. In addition, we are looking closely at the rail car schedules running times and consists to insure the maximum movement of people while still allowing a "window" for clearing the snow from the mainlines. We are also developing Metrobus shuttle routes that will be placed into effect when a severe storm hits the area. These shuttle bus routes will be designed to get a high percentage of the people within a mile or so of their homes and offices. We will be working closely with the Council of Governments to insure that the roadways used for these shuttle routes receive top priority for snow removal, towing and enforcement from the local jurisdictions.

To assure that these areas are addressed, the WMATA Board of Directors has appointed a special winterization committee. Further, at our request, the American Public Transit Association (APTA) has established a peer review team of experts from transit systems in cities which have extensive experience in handling snow to review all aspects of our snow response. The team includes representatives from Boston, New York, Chicago, Pittsburgh, Philadelphia and Toronto.

The APTA peer review team convened February 4, 1987, and was thoroughly briefed by WMATA staff. We have provided the team with extensive documentation of our response to the recent storms. They have shared with us much of their experiences with severe weather. With the exception of SEPTA in Philadelphia, all of these cities have some portion of their third rail heated. The team has set a target of April for their report, however, we are attempting to expedite their evaluation.

In addition, Secretary Dole has graciously offered to help by providing funding to resolve the third rail icing problem. She has also made available to WMATA the Urban Mass Transportation Administration (UMTA) technical staff for a discussion of the appropriate existing technology on this subject. We have accepted the Secretary's offer and have already had two meetings with UMTA's technical staff.

The WMATA staff is currently performing a thorough analysis of our winterization needs. The work of the Peer Review Group, with COG and in consultation with UMTA will allow us to implement a comprehensive program aimed at providing a greater degree of reliability in severe weather. In the meantime, while these analyses are being completed, we have taken several steps to assure that we are better able to respond to any additional snow storms that could occur this winter.

In the event that we have to contend with another severe storm, a 12 point program is currently underway at this moment. The twelve areas we are addressing follow:

- Refine plans for rail service to fit various storm severity levels.
- Develop bus "bridging" schedules to back up the rail system and identify prime bus routes that will continue to operate,
- Position management in a weather emergency throughout the system to assist operational people and to report back major problems to the EOC,
- Develop telephone communication links for such reporting and with the local jurisdictions and Federal emergency operations centers,
- Use management and administrative staff for communications and logistics support,
- Establish a 4-wheel drive vehicle and operator pool controlled by a central dispatcher,
- Outfit all available prime movers and locomotives with snow plows,
- Position snow removal equipment on the rail system,
- Assign additional snow removal equipment to rail parking lots and bus bays,
- Assign Transit Police to enforce priority movement of buses on access roads to the bus bays,
- Field check or dry run the new snow response system,

- Coordinate closely with the local jurisdictions on this immediate snow response program.

In retrospect, there are two areas where I believe improvements can be made:

- Regional coordination -- I would like to suggest for consideration that regional officials hold an annual meeting in late October or early November to review snow emergency policies and procedures. The purpose of this meeting would be to make sure that we are all ready to contend with any severe weather that winter.

- WMATA Internal Procedures -- Metro's winterization program is divided into three phases --

  - Immediate -- addressing tasks that can be accomplished immediately to improve our performance in the event of another snow storm this winter,

  - Intermediate -- implementing modifications to the system and improvements in procedures that will enable us to provide improved service next winter, and

  - Long-Term -- completing those elements of the winterization program that will be incorporated into the design of future rail segments.

Our primary objective is always to provide safe reliable service to the public. When full service becomes impossible, it is imperative that we provide timely and accurate information on actual service levels.

We know that it is precisely when it is most difficult for us to operate that our customers depend upon us most and we must meet that need. Over the past ten years, Metrorail and Metrobus have shown sustained reliability. I pledge to you that I am committed, the staff is committed, and the Board of Directors is committed to providing safe and reliable service.

TECHNICAL ASSISTANCE FROM UMTA

Senator Reid. You are now in discussions, as I understand it, with the Urban Mass Transportation Administration concerning an offer that they made of technical assistance and even federal funds to finance some improvements that both agree are necessary.

Would you comment on what they have offered or what you would like to have, the funds that they have said may be available?

Ms. Turner. During the height of the snowstorm, the Urban Mass Transportation Administrator indicated that they would be willing to provide some funding to assist us primarily in heating the third rail. We also received a very gracious letter from Secretary Dole indicating that they would provide some assistance in heating the third rail and also technical assistance.

We are working with UMTA; UMTA has indicated that they are prepared to provide up to $5 million. We know that $5 million will not solve our problems. The estimate for $5 million is a 1983 estimate, and we are not interested in anything that is not cost-effective. And certainly, we want to make sure that any configuration with heated rail makes sense in terms of where we put it. You do not necessarily have to heat every mile.

We do not know what that configuration is now. We do know that the $5 million certainly is a step in the right direction, but clearly, it will cost more than $5 million.

DEICING ONLY PORTIONS OF METRO RAIL

Senator Reid. There was an article in today's Washington Post, which I am sure you saw, that is headlined, "Metro Starts Process for De-Icers." You are quoted in this article as saying, "Metro probably does not need to heat all of its outdoor track, including 23 miles of track in the yards where railcars are stored."

Why is that? Why wouldn't they all need to have deicing equipment?

Ms. Turner. We like to learn from other transit systems, and what we have discovered is that no system at this point has all of its surface track heated. There are clearly portions of the system that must be heated—the lead lines into the yards, the circulation track in the yards, the areas of the track where we have had the greatest problems.

But whether or not we would have to put heated third rail contact tape on every inch of the exposed rail is something that we are still looking at.

We want to make a recommendation that produces the best results, but we also want it to be cost-effective.

Senator Reid. When will you be making that recommendation?

Ms. Turner. We are looking at it right now. And I would hope within the next 2 weeks, that we will know, have a good sense of at least what the first phase of heating the third rail will look like.

Senator Reid. Would you make sure Chairman Harkin gets a copy of that recommendation?

Ms. TURNER. Absolutely.

Senator REID. What we need to do in this committee is try to coordinate all of this. As you have commented, I really think this shows the need for some coordination between the federal government, the city government, and of course, your organization, because each doing their own thing just simply will not do the trick.

Ms. TURNER. I agree.

Senator REID. I appreciate your testimony.

Ms. TURNER. Thank you.

SUBCOMMITTEE RECESS

Senator REID. If there is nothing further to come before this subcommittee, we stand in adjournment.

[Whereupon, at 11:55 a.m., Friday, February 20, the subcommittee was recessed, to reconvene at the call of the Chair.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1988

TUESDAY, MAY 5, 1987

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:10 a.m., in room S–128, the Capitol, Hon. Tom Harkin (chairman) presiding.

Present: Senator Harkin.

DISTRICT OF COLUMBIA

COURT SYSTEM

STATEMENTS OF:

- **HON. WILLIAM C. PRYOR, CHIEF JUDGE, D.C. COURT OF APPEALS**
- **HON. FRED B. UGAST, CHIEF JUDGE, D.C. SUPERIOR COURT**
- **LARRY P. POLANSKY, EXECUTIVE OFFICER, D.C. COURTS**

INTRODUCTION OF WITNESSES

Senator HARKIN. The Subcommittee on the District of Columbia begins its hearings into the District's fiscal year 1988 budget estimates, with testimony from representatives of the District of Columbia courts and the Board of Education.

Our first panel consists of the Honorable William C. Pryor, Chief Judge of the Court of Appeals; the Honorable Fred B. Ugast, Chief Judge of the Superior Court of the District of Columbia; and Mr. Larry Polansky, Executive Officer of the Court System.

Gentlemen, it is a pleasure to welcome you here this morning. We look forward to the your presentations. In the interest of time, we will make your prepared statements a part of the record and we would like to hear your oral summary and we will start with Judge Pryor and then Judge Ugast and then Mr. Polansky.

Judge Pryor, welcome to the subcommittee. This is the first time I have had the honor to chair the budget hearings for the District of Columbia appropriations. I look forward to your testimony and learning a little bit more about the court system and how they operate and what some of your concerns are.

As I told you earlier, I am not a complete stranger to the District of Columbia. I went to law school here. I have lived in the District off and on. I do not live here now, I live out in Virginia, but I have lived here off and on at least in this area for 18 years now, I guess, so I am somewhat familiar. I am not as familiar as I should be, so I look forward to you enlightening me.

STATEMENT OF JUDGE PRYOR

Judge PRYOR. Thank you for this opportunity, and I say that on behalf of Judge Ugast and Mr. Polansky, as well.

I will not repeat the statement which is in writing and simply submit that for the record but, rather, Just take a very natural and direct approach to what I think will be of interest to you.

Our court system is a unitary system in that we have one trial court, the superior court, and one appellate court, the D.C. Court of Appeals.

We are unique in the sense that we are administered by a joint committee, and there you have a picture of our nine appellate judges [pointing to an overhead projection], and there are 51 trial judges.

Judge Nebecker, who is at the top of the first row, has just retired. That is Judge Mack, Judge Newman, Judge Ferren, Judge Belson, Judge Terry, Judge Rogers, and Judge Stedling, the most recent member of the court.

Senator HARKIN. And you have one vacancy right now.

Judge PRYOR. Effective October, yes.

JOINT COMMITTEE ON ADMINISTRATION

We are administered by a joint committee composed of Judge Ugast and myself, two other judges from the trial court, and one other judge from the appellate court. We administer in an attempt to deal with the administrative problems of the court system as a whole. So it is unlike what you would normally find in a state court system, where the chief judge of the highest court administers the courts.

This was an experiment, and every day Judge Ugast and I live the perils of this experiment. It requires us to work together.

Senator HARKIN. How long has this experiment been going on?

Judge PRYOR. The court system was reorganized in 1971 I believe, so what you would really have was democratic administration of the courts.

Senator HARKIN. You said two from the appeals court?

Judge PRYOR. And three from the trial court.

Senator HARKIN. Five.

Judge PRYOR. Mr. Polansky is our "Secretary" who works for the joint committee and executes and implements the things that we decide.

Senator HARKIN. Are you talking about both the court of appeals and the superior court?

Judge PRYOR. That is part of the problem, because it is not always clear what problems fall exclusively under the domain of one court or what falls to the joint committee. What we have to do is to work that out as we go along. It is quite an interesting process.

INCREASE IN COURT FILINGS

Moving on, in focusing more on the court of appeals now, the major concern that shows up in the figures and in the work that we do has to do with the case movement, the cases that come before the court.

Administratively, as you would expect, as the court of last resort, we also are concerned with the admission of lawyers, the disciplining of lawyers and the unauthorized practice of law. To lay that aside and think directly of cases, what you see in the figures and what I am now prepared to make a couple of observations about can be summarized rather straightforwardly.

It is that the cases that are being filed in our court are tending to increase, so that if you look at the early eighties compared to the present time, you see the numbers now show 1,700 to 1,800 cases filed per year, compared to 1,100 to 1,300 in earlier years.

I suppose before I get too specific on numbers, I should say this: Our court serves two functions. It is an intermediate appellate court and it also is a high court of last resort, so that we are actually doing two things at once, although it is one court.

Another thing that you really should bear in mind is that every appeal to our court, except from small claims, is a matter of right, that is to say we do not control what cases may be filed. Unlike most high courts, we take every case as a matter of right. Then we break down into these two subdivisions.

ACTING AS AN INTERMEDIATE COURT

When we work as an intermediate court, we work in panels of three, three at a time. Basically I was thinking about it this morning. We average between 16 to 20 cases per judge per month. So that every month I am working on about 20 cases and I am responsible for the opinions in one-third of those. Therefore, every month I write about seven opinions.

ACTING AS A COURT OF LAST RESORT

When we are acting as a court of last resort, we all sit together, all nine of us. Of course those cases represent the novel questions, the questions that will be controlling law in the jurisdiction. We are doing both of those functions at the same time.

INCREASE IN THE NUMBER OF APPEAL CASES

Now, let us look at the numbers, and you can see what happens. The numbers are slowly increasing, and if you look at the dispositions you will see that those numbers have "flattened out" or "leveled off" so that in the year 1983 the court was able to decide 1,587 cases; in 1984, 1,518 cases; in 1985, 1,570 cases; and last year, 1,567 cases.

So I would say in summary that 1,500 to 1,600 dispositions per year represent, on the basis of experience, the anticipated hard work effort result that you can expect of a group of nine active judges. I guess I should inject here that we have three retired judges. It is probably of interest to you that I would think that a retired judge does approximately one-third the work of an active judge, so that the three retired judges really represent one full-time judge.

AVERAGE NUMBER OF DAYS FROM FILING TO DISPOSITION

The concerns are obvious. It is taking us an increasingly longer average time to decide the cases, and you see it there on the screen. Average days to disposition are creeping up into the 500's, so that this year it is 566 days. In the past year it took 566 days on an average to decide a case.

This morning, as a matter of curiosity, I looked and our oldest case in the book is one that was filed April 24, 1984. That is the oldest case.

Senator HARKIN. Excuse me, Judge. You are talking about filed in the appeals court?

Judge PRYOR. Yes.

Senator HARKIN. This 566 days, that is just time on appeal?

Judge PRYOR. That is correct.

Senator HARKIN. Not the time when it started in the court the first time.

Judge PRYOR. No, just appeals. So the dominant things are pretty obvious. The average time for appeal is pretty long, the number of cases pending is going up, the number of cases we seem to decide seems to be getting flat or pretty predictable. This is a surprise to no one who has been studying this problem, as I have. I might just parenthetically say—you said you are new to this—both Judge Ugast and I are relatively new chief judges. This is my third appearance and this is his second, so we are new along with you.

SHORT RANGE ALTERNATIVES TO REDUCE NUMBER OF CASES

This increase has been steady and there are three viable alternatives as to what to do, and I am here to tell you what I think about it.

The first alternative—I think I should first say something else. What have we done about it, other than see the gloom of it? In a word, we have tried to use staff attorneys. In the budget this year we are asking for another staff attorney to screen the cases earlier, identify them as difficult or less difficult, and treat them differently if they are simple cases.

We have used automation in an effort to speed up the process. Indeed we have introduced this year, a required settlement statement at the very first part of the appeal, where the attorney must indicate what is the nature of the appeal. We then can react appropriately, rather than after the briefing or after oral argument. We try to find out early on in the appeal what is the stature of this appeal.

We initiated three kinds of tracks, what I will call a regular track, a fast track, and a very fast track. So as we identify the cases, we treat them differently, they do not all get the same treatment.

This week, the trial court is having "settlement week." Last month, I initiated a similar program and tried to see what settlement might do for the court of appeals. Understand, however, that in the appeals court every time we use an appeals judge for settlement, that takes that judge out of the rotation for argument because you cannot have the same judge, who has expressed a view on settlement, hearing the case in court. It is a tough problem.

LONG-RANGE ALTERNATIVES TO REDUCE NUMBER OF CASES

Now, those are the kinds of things we have done immediately, but as to the long-term approach I said there are three things that can be done and they are these:

CHANGE THE RULE OF THE COURT

One, you can change the rule of the court. As I said, presently every litigant has an "appeal of right" so that everyone in the District of Columbia who loses a case, has a right to appeal it. That is how it stands now. That could be changed to make that appeal discretionary. The court would decide which cases to take and which ones not to take, that is, discretionary appeal.

The obvious downside to that is that there are those, and rightly so, who would feel that this would represent a disadvantage and a backward step in a judicial system if you did not have a right to appeal. So that would be the problem of simply changing the rules.

Senator HARKIN. Correct me if I am wrong, but the Appeals Court of the District of Columbia seems to me now to be similar to the Supreme Court of the State of Iowa.

Judge PRYOR. Not quite, because you have an intermediate court in Iowa.

Senator HARKIN. That is only recent.

Judge PRYOR. I understand.

Senator HARKIN. That is something new we are trying, an intermediate court.

Judge PRYOR. It is, yes, that is correct.

Senator HARKIN. But when I practiced we did not have a total right to appeal.

ESTABLISHING AN INTERMEDIATE COURT OF APPEAL

Judge PRYOR. With an intermediate court of appeals, you do, and that is the point I am coming to.

The next alternative would be an intermediate court of appeals, which would take the two functions that we now perform and separate them so that you would have a right of appeal to the intermediate court, for the routine case. Then your supreme court would only take those cases which it deemed important. That is the model that is followed in Virginia, in Maryland, in Iowa, and in most jurisdictions that have adopted the intermediate court. You can see what it does. It protects the right of appeal, and it reallocates the workload.

Indeed, I happen to know that Puerto Rico is now studying this very same model.

Senator HARKIN. I wonder how many states do that. You mentioned those states, but——

Mr. POLANSKY. The number 32 comes to mind, but I am not certain of the latest number.

Senator HARKIN. Thirty-two.

Judge PRYOR. We have a report for you that will get into that, because it is part of my recommendation.

INCREASE IN THE NUMBER OF JUDGES

The last alternative is simply to follow the approach that was followed in the trial court not too long ago, add some judges. In other words, we now have nine, add some more.

The problem with that, however, is that an appellate court works differently. Before we write an opinion it has to be circulated to the three people who are working on it and then it has to be circulated to all the people on the court to make sure we are not at cross purposes. The more people you add, the more complex that becomes, and the less efficient it is.

If you could picture 17 of us sitting there, and I write an opinion and now it has got to be circulated among 17 people, rather than 8 people, it gets to a point where it is counterproductive, but that is an approach.

Let me tell you, this has been studied by a committee called the Horsky Committee about 4 years ago (under its Chairman, Charles Horsky); by the Douglas Committee (under its Chairman, John Douglas); and more recently, last year by the National Center for State Courts, at the request of this body.

The recommendation of all of those groups is the result of what you see on these charts. What you see in the numbers is entirely predictable and that is we must make a choice at some point in the future as to what to do.

My recommendation is an intermediate court of appeals and we will make that available. I see Mr. Polansky has a copy of the National Center for State Courts right there.

So, backing off from the jargon and backing off from the specifics, what you see is a high-volume court, and I think I can candidly say that the court is working hard, but nonetheless we are falling behind.

COMPARISON OF THE NUMBER OF FILINGS WITH OTHER STATES

Senator HARKIN. Can you give me some comparisons on this chart, the one about the total filings?

Judge PRYOR. Yes.

Senator HARKIN. The one on total filings, this one right here.

Judge PRYOR. Yes; I can give you some comparisons with other states, with the states that have approximately the same population as the District of Columbia.

Mr. POLANSKY. We can do that for you and the comparable level filed in the District of Columbia.

Judge PRYOR. The clerk of the court just gave me a note to that effect. We have the highest filing rate of any high court in the country, without an intermediate court.

Mr. POLANSKY. But I will compare the population level of the——

Senator HARKIN. I would just like to see how it compares with other states and you can include information on whether or not they have an intermediate court.

Mr. POLANSKY. OK.

NUMBER OF JUDGES ON APPELLATE COURT

Senator HARKIN. I would just like to see how it compares and then find out if they do have intermediate courts, how many people they have on that intermediate court.

Judge PRYOR. I was talking to Justice Murphy of Maryland and he regards the intermediate court as the workhorse of the appellate part of the court system, because that is where most of the work is done and the system really works rather simply.

You have, basically, one clerk and a small supreme court, maybe seven, you do not need nine, and a larger intermediate court, and one does not sit idle while the other one works. If the caseload is such that the supreme court can do some of the intermediate court's work, so be it. They work on the same caseload together, but the difference is you have the flexibility, with one clerk's office to direct the cases.

Senator HARKIN. In all these states, are these intermediate appellate judges full-time judges?

Judge PRYOR. Yes.

Senator HARKIN. Full-time?

Judge PRYOR. Yes; and that would certainly be——

Senator HARKIN. Lifetime appointment-type judges?

Judge PRYOR. Well, we have 15 years and it tends to be a long-term appointment.

Senator HARKIN. Long-term.

CONCLUSION OF JUDGE PRYOR'S STATEMENT

Judge PRYOR. Yes.

Let me say, in conclusion, that I have not jumped to this hastily. In the 3 years that I have been on the job, I think, if we were to read my record of presentation, I have been very careful and slow to come to any firm conclusion. I must say at this point in time I am convinced that we have to plan. I do not think we are at the panic stage, but we do have to plan to start to focus on what the long-term structure of the court system should be.

At every opportunity—and Judge Ugast has been with me most of these times—I can tell you that when speaking to the bar associations, the Council for Court Excellence, and everyone who is concerned with this, I have spelled this out and the bar now has a task force which is studying this very problem and reading those reports.

So, I think, should the legislative arm, informally or formally, choose to look into this and see where we are. You will find that there is a group of people who have begun to look at it and determine their point of view.

Each one of those alternatives has up and down sides to it. I recognize that, and frankly I am not here to push any particular alternative, but I do see it as my duty to point out where I think the problem is and what we should be thinking about. That is all I am presenting to you.

With that, I think you will see that our budget complies pretty much with what is going on. We are simply asking for another attorney to help us with the screening and calendaring process and a file clerk to back up that kind of operation. Otherwise, our budget is rather routine.

Thank you, Senator.

PREPARED STATEMENT

Senator HARKIN. Thank you very much. Your statement will be inserted in the record.

[The statement follows:]

STATEMENT OF WILLIAM C. PRYOR

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is my privilege to speak to you today regarding the budget of the District of Columbia Court of Appeals.

The court of appeals is requesting an appropriated budget of $4,036,000 for fiscal year 1988, representing an increase of $278,000 and two positions over the fiscal year 1987 budget of $3,758,000.

Although the court has been able to dispose of over 1,500 cases each year for the past 5 years, case filings have exceeded dispositions by several hundred each year, resulting in very substantial increases in the pending caseload. Since 1980, pending cases have doubled, having reached over 2,500. Unless dispositions can be increased, the inevitable result will continue to be longer times on appeal. The court is introducing methods used successfully in other state and federal appellate courts in an attempt to increase and expedite dispositions. Among these are early, prebriefing screening for cases which can be placed on an expedited calendar or scheduled for settlement conferencing.

We are requesting $178,000 for mandatory salary-related increases; $49,000 for two positions essential to our case management programs; $33,000 to provide funding for maintenance of new equipment, contractual services (Westlaw), and for moving and renovations; and $38,000 for additional equipmelnt required for automated systems and filing. We have offset $20,000 for nonrecurring items in the 1987 budget.

Taking into account the fiscal constraints of the District of Columbia, we have not requested a general increase for inflation in our budget request. We have asked for only those funds and positions which are absolutely necessary to cope with the present rate of appeals, and to make some progress on an everincreasing pending caseload.

On behalf of the court of appeals, I request that this committee give favorable consideration to this modest and realistic request for fiscal year 1988.

OPENING STATEMENT OF JUDGE UGAST

Senator HARKIN. Judge Ugast.

Judge UGAST. Senator, I want to join Judge Pryor in thanking you for the opportunity to appear here this morning.

I became chief judge on June 1, so this is the first time that I have had the responsibility to make a presentation totally on my own.

The superior court, which was reorganized as part of the court reorganization of February 1971, is the court of general jurisdiction for the city, having responsibility over all local legal matters. I believe we are the only totally unified court in the country in the sense that we have the sole jurisdiction for trial matters of small claims, major malpractice, certain types of traffic offenses, murder, all family matters, probate, and tax matters. We have no lower level of court. We do not have a lower court such as some jurisdictions have a district court. So we are the trial court for the city and have responsibility for five operating divisions.

There are 51 active judges and at this time 9 senior judges who work and carry various assignments, depending on the periods during which they are able to be with the court.

NUMBER OF FILINGS IN SUPERIOR COURT

I guess the next thing, very quickly, would be to just give you, from our annual report, the filings and dispositions without spending too much time on it. If you would just notice the felony indictments—we follow the federal system, Mr. Chairman, and so all felonies received are by indictment through the grand jury—and you will notice that there were 7,700 in 1986, a 25-percent increase. Indictments have been going up steadily over the years, and I will talk a little bit about that in terms of the drug cases in a moment.

For the civil actions cases, the landlord and tenant cases, which is a big volume court, and the small claims court cases, there was a substantial jump, in total filings between 1984 and 1985, of about 10 percent. They are about even this year in total filings. It is very heavy in our criminal area.

DRUG TESTING PROGRAM

In looking at the chart on felony cases filings, you can see where the drug epidemic that has hit our city plays a part in that increase. Then, the next chart shows the percentage of drug cases; 4,500 of those 7,700 cases represent drug charges.

The next chart will give you the breakdown on cocaine and PCP use. We started a program, in 1984 I believe, 3 years ago, for drug testing of all individuals who were arrested and went through the lockup. If they made bond in the stationhouse or made citation release, they were not tested.

Senator HARKIN. What does that mean? What is the percent of——

Judge UGAST. All of those going into the lockup when they were arrested on any given day, for that period of time.

Senator HARKIN. 6,700.

Judge UGAST. Tested positive for one or more drugs. The actual statistics, I received just before I came. For the month of March 73 percent of all those arrested going through the cell block tested positive for one or more drugs; 42 percent were tested positive for PCP and 46 percent for cocaine. A number tested positive for more than one drug.

Senator HARKIN. You do not list alcohol on there?

Judge UGAST. Not on that test.

TESTING FOR ALCOHOL

Senator HARKIN. How do you list alcohol? That is a drug.

Judge UGAST. It is but that is not one of the substances that we test for in this program.

Senator HARKIN. How about marijuana?

Judge UGAST. We do not test adults for marijuana. We do in the juvenile testing.

Senator HARKIN. When they enter the facility, you test for what their alcohol content is?

Mr. POLANSKY. On an alcohol arrest, they would have been tested for alcohol, through a breatholizer test.

Senator HARKIN. This is someone who has been arrested for any number of things, right?

Mr. POLANSKY. Yes.

Judge UGAST. They would not test for alcohol under this.

Senator HARKIN. Do they test for alcohol?

Judge UGAST. Not in our pretrial testing program, no.

Senator HARKIN. I wonder why that is.

Mr. POLANSKY. I guess because the alcohol laws relate to drunk driving basically. We do not have a law against being drunk on the street.

Judge PRYOR. I think that is more tradition probably.

Judge UGAST. But this was started because of the determination of conditions of release——

ARREST ON MISDEMEANOR CHARGE

Senator HARKIN. Excuse me, let me interrupt again. When you arrest someone for a possible misdemeanor, do they go through the cell block?

Judge UGAST. They could, depending on whether they made citation release.

Senator HARKIN. Assuming they did, or let us say you might arrest someone for an assault, assault and battery or something like that, you bring them in and they go through the cell block and you test these for this but you do not do any type of test to see if they are drunk or——

Judge UGAST. If intoxication was apparent, that would show on the report that would be before the judge or the hearing commissioner at the time of the initial hearing. If alcohol is related in some fashion, then we would take steps at the time of release as to whether the person needed further testing or assessment to determine whether this is a person who has an alcohol problem. It would not be part of the testing for substance abuse.

If it was alcohol related at the time of the arrest, that would be known right upfront and——

Senator HARKIN. But you do not know if it is drug related at the time of the arrest.

Judge UGAST. No.

Senator HARKIN. You do not know if it is PCP or cocaine related.

Judge UGAST. No; but the alcohol would be something I think that would be observed. Now, whether it is an alcohol problem or whether it was alcohol related at the time—that was not the way the testing was set up.

Senator HARKIN. OK. I Just wondered.

NUMBER OF PERSONS ON PROBATION

Judge UGAST. Well, that gives you the breakdown on the drug situation.

There is probation for about 13,000 individuals, that number has been gradually going up, again an alternative to incarceration. We have a substantial number of individuals on probation and the obvious load on the individual probation officers is something that we are deeply concerned about, because it affects the ability of the probation officer to work with the individuals in that capacity.

Let me just say that with some of the projects that we have tried to initiate this year or to expand upon, without getting into the detail, Mr. Chairman, we have tried in each division to seek ways to assist the processing of the very heavy caseload.

PROGRAMS TO PROCESS THE CRIMINAL CASELOAD

On the criminal side, we have 24 of the 51 judges sitting on the criminal cases at any one time. Our judges rotate assignments on a 9-month or 1-year basis. When I first started in 1972, we changed every month, then later, we changed every 3 months. When I took over in June I thought that the longer rotation was preferable. The National Center for State Courts, in its assessment of our operations had indicated a longer term of rotation was preferable for the divisions.

We have 24 judges and 5 hearing commissioners now sitting in the criminal side. We have 12 felony II calendars, which are the major felonies; we have two calendars that we call felony I's, which are murder, rape, and that kind of thing. We set up two accelerated felony trial calendars to deal with repeat offenders, where you have pretrial detention, so that those cases surely can get to trial within 60 days under the statute.

PROGRAMS TO HANDLE THE CIVIL CASELOAD

On the civil side, one of the things we have been pressing for is our multidoor project, which provides mediation for individuals and comes up with alternative dispute resolution [ADR]. We are doing ADR in small claims, we are doing it in domestic relations, and in October we hope to expand it to include juveniles and children in need of supervision. These are innovative ways to try to resolve disputes short of using the traditional litigation to resolve these disputes. We have gotten tremendous support from the bar. We have gotten grants from various organizations to get some of these started.

The ABA had a pilot project for ADR started in 1984 and we started in January 1985, along with Tulsa and Houston. We understand that they are pleased with what we have been able to accomplish so far.

On the civil side, we have just started, on March 16, a mandatory arbitration program which dovetails a little bit with one of our budget requests here. We had tried voluntary arbitration here for 5 years and have had 37 cases. I remember discussing the problem with Judge Moultrie and with other jurisdictions and finding that without some of that other leverage voluntary arbitration is not going to work.

We have great hope that arbitration is going to help on the civil side. We have the settlement week, that is going on right now, where we took the 630 oldest cases on our civil dockets, plus any cases that litigants or their lawyers wanted to voluntarily bring into the system, which brought it up to about 730. For 6 days, eight judges, with voluntary attorneys, acting as mediators, are working on these cases. We are running this for 6 days, so we are into the third day of that.

Then we have gotten into summary jury trials and mini trials and mutual evaluations, various techniques that are being tried around the country in certain types of civil cases to assist in trying to move that caseload.

Automation in our civil division is something that we have just brought to fruition, surprisingly enough, which is about to go on line at this time.

CONCERNS IN THE FAMILY DIVISION

In the family division, we were concerned with both our juvenile cases and our domestic relations cases. We have tried to add one or two additional judges and take some steps to see that the juvenile cases were coming to trial, hopefully, within 30 days. That is what we have been shooting for.

We also started a juvenile drug testing program last year, and that is revealing that 19 percent of the juveniles who are released back into the community are testing positive for some drug and 29 percent for those who are actually held or detained test positive.

INCREASE IN PROBATE AND TAX AREA

In the probate and tax area, the workload has increased tremendously. Over the years, I think some of the experience level has been lost and it needs a great deal of effort to automate the kind of work that is being done there. We need to speed up the audits and that type of thing.

INTERPRETER PROGRAM

So those are all things that we are working toward at this time. Our interpreter program in the city here is a matter of concern. We have an interpreter-type program to assist the various communication impaired individuals who need services, either language or sign language. I think that kind of gives you a feel.

Until the drug sweep operation, Operation Clean Sweep, which had over 16,000 arrests since last August, we are making great headway in reducing the time to disposition, which is still not what we want in terms of handling criminal cases. The drug sweep operation came along, starting in August, and that has had a tremendous impact on the court in terms of our daily lockup process as well as our calendars. In the grand jury backlog where the U.S. Attorney has to make their presentations.

FISCAL YEAR 1988 BUDGET REQUEST

I think that is pretty well the background on the operational aspects of the court, Mr. Chairman, and I think it sets the stage for the request that we have made in our budget. It is a request of $49 million, with an increase of $4.8 million.

The new positions, let me just say, 50 of the positions go to the divisions with a few people to each, to support their operations, and then 23 positions go to the new child support enforcement proceedings that we must by statute have in place by October.

In 1984, Congress passed the Child Support Enforcement Amendment Act, which is really an amendment to title IV D of the Social Security Act of 1974, requiring the states to take steps to improve their procedures for the collection of support payments and payments that go to the assistance of families. Congress is now requiring wage withholding attempts, "intercept" of refunds of taxes and that type of thing. Then, each state has to come up with guidelines for support payments as well as procedures that are very tight requiring initial hearings within 45 days by commissioners. So, we are going to be required to facilitate that whole process within the next 3 months, really starting in June, in terms of trying to improve the District's support collection rate.

Unfortunately, the District has one of the lowest collection rates in the country. Now, that involves several other parts of the executive branch of the government, but our part, as the court, is right in the middle. We have been working closely with the rest of the executive branch in that area and with the Department of Health and Human Services, the Corporation Counsel's Office as well, which is the legal office that handles those matters before the court.

HYBRID REPRESENTATION IN THE DISTRICT

I might just say, Senator—and I am sure you are aware of this—that we have the situation of "hybrid prosecution representation" in the local court responsible for all local matters. All felony and serious misdemeanor prosecutions are handled by the U.S. Attorney's Office. The juvenile matters, the child support matters, and traffic matters are handled by the Corporation Counsel's Office.

The handling of prisoners, the transfer of prisoners, the security in the courtroom, the service of eviction writs, the service of warrants in the family division for support matters are the responsibility of the U.S. Marshals Service.

The court, of course, has no input or has had no input in terms of the resources of those organizations (in terms of the federal organizations) as they impact on the court. For the first time, on the marshals side, this year (just in January) they "broke out" the Superior Court Marshals Service in the sense they appointed an associate marshal to the superior court who reports to the Director of the Marshals Service and not to the U.S. Marshal for the District of Columbia, and assigned and allocated resources just to the superior court function, which previously had been just a part of the combined District of Columbia functions of the U.S. Marshals.

We have at the local court many responsibilities for the Marshals Service that the Marshals Service has nowhere else in the country, such as evictions, the service of support warrants, and that type of thing. We have been making an effort encouraging the U.S. Marshals Service to seek additional resources to meet the particular peculiar local needs of our court. That is a matter of deep concern to us at this time and I did write to Senator Hollings to ask that he and his appropriations subcommittee look favorably upon a request for additional resources for the Marshals Service for allocation to our court.

A similar situation exists with respect to the U.S. Attorney, but it is something that we as a court have no input into directly. The same problems occur with the U.S. Attorney's Office and the resources that it has available to staff our court as well as the U.S. District Court across the street. It is that kind of issue that is difficult to have a handle on. When I come before you it is not a matter before your subcommittee in terms of appropriation, but it is certainly a matter of concern because it affects the operation of the court. I wanted to mention that here, initially, because it is an issue that I think does return.

Fifty of those 80 new positions, as I say, include 23 for child support, 3 to our new jury program—which, incidentally, we will soon go to 1-day one-trial, which has been tried in a number of places. Up until congressional legislation last fall, we were tied in to a single jury system for the District of Columbia, federal and local. The system was handled by the federal court although our computers did certain parts of it. The Jury Commissioner was the Federal Jury Commissioner.

ONE-DAY, ONE-TRIAL JURY SYSTEM

In order for us to be able to do some other things with our jury system, such as 1-day, one-trial, we had to seek legislation separating the D.C. local jury system from the federal system and that legislation was enacted in October. I have just submitted to the Congress for review a new jury system plan which would call for reduced jury service, not to exceed, ordinarily, 14 days for petit jurors, which is sufficiently flexible so that, if the Board of Judges so deems it appropriate—which I believe they will—we will go to a 1-day, one-trial procedure.

JUVENILE JUSTICE INITIATIVE

There are two areas, if I might just briefly wind up on, which I have covered in my statement, Senator, where the increase that we sought was with the concurrence of the Mayor. They are the juvenile initiative and the arbitration segments both of which were "redirected" by the D.C. Council.

On the juvenile initiatives, we were urged by the Mayor to develop programs that would meet needs of the young people with serious problems with the law. This is certainly an area that we feel, from what we see in the adults and the seriousness of the juvenile cases that are coming in, that we need to do everything we can.

There were four areas in there that we thought really were designed to assist in this effort. They were: (1) the screening and diversion program, which we were hoping to include, and which is based on the prototype of our juvenile restitution program, which would help young people through diverting them from the system; and (2) an intensive probation supervision program which was designed for individual youths who otherwise would probably be incarcerated at Oak Hill over in Laurel Cedar Knoll. Our efforts there, to help a situation where it is overcrowded already, were to extend to, I think, 125 individuals.

The other two programs dealt with: (1) family counseling, which we think is terribly important in this area youth and which we have had to cut back on in the past; and (2) on the providing of contractual services for youngsters who require both diagnosis and assessment as well treatment beyond the capability of our staff at social services. That was a substantial segment, $840,000 of the funds, that the Council redirected.

Let me just say that their efforts to redirect the funds to an area more of crime prevention, prior to the time the individuals would get into the system, certainly is laudable as well. Our thought was that it was terribly important to try to decrease the numbers that are already in the system that would involve incarceration.

ARBITRATION PROGRAM

The arbitration program I have talked about. It is a pilot project right now. The Council suggested we go to voluntary arbitration and suggested mediation. This project is arbitration of a judicial type, as opposed to our mediation program in multidoor. We think it presents, probably, the best potential for really speeding up the civil process and reducing the timeframes there.

Sentencing guidelines are something we are now right in the midst of, which you may have read about. We are at the critical time where we expect to go back to the Commission for a final approval and then before the judges this summer or fall to seek implementation and we ask for two positions there to monitor its effect. We have been doing this within our own budget for the last 2½ or 3 years, and we feel that to make the guidelines program fly it has to be monitored closely and we need those positions. Because of the timeframe, I think our statement pretty well covers it. Mr. Chairman, I will now stop unless you have some further questions.

PREPARED STATEMENT

Senator HARKIN. We appreciate it very much. Thank you. Your complete statement will be inserted in the record.

[The statement follows:]

STATEMENT OF CHIEF JUDGE FRED B. UGAST

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is a privilege to appear before you today to speak on behalf of the budget request of the Superior Court for Fiscal Year 1988.

The Superior Court is requesting a total operating budget of $49,384,000 which reflects an increase of $4,878,000 and 80 positions over the 1987 budget. The Council of the District of Columbia has recommended that the Court's requested increases, which were supported by the Mayor, be reduced by $1,882,000 and 23 positions and also has recommended that $250,000 be added to pay for stipends to Volunteer Mediators.

The action by the Council impacts severely upon the planned juvenile initiative by redirecting funds to crime prevention and juvenile diversion from a program of intensive supervision which could reduce the incarcerated juvenile population. Mandatory Arbitration was completely written out even before the results of a pilot effort are in. A most important part of Sentencing Guidelines, the monitoring and evaluation of the Guidelines which is absolutely necessary in order to determine: (a) whether guidelines minimize disparity; (b) the effect of the "Rehabilitation" component; (c) the effect of concurrent/consecutive sentences; (d) the impact on incarceration levels; and (e) whether they produce racially disparate results, is precluded by Council's action. Finally, a most cost effective effort, paperwork reduction, is totally rejected. We have analyzed in detail the recommendations made by the Committee on the Judiciary of the Council and, rather than discuss them further here will submit for the record, along with this testimony, an analysis of the decreases and their impact.

Over the past several years we have instituted innovative programs, such as the Multi-Door Program which has proved to be very successful in the Civil Division, and for which we must state our appreciation to you and this committee for support. Another Civil case program, Mandatory Arbitration, which was designed to address civil case delay and was to be initiated under the Multi-Door effort, was a critical part of the Council's deletions from the budget. In light of the excellent reaction of the Bar and the litigants to the recently announced pilot program that began in March, it was expected that in fiscal year 1988 all civil cases seeking money damages of $50,000 or less would be in the arbitration program and that approximately 8,000 cases would annually be eligible for mandatory arbitration. This would relieve the pressure on the Civil Division of the Court substantially. Unless this Committee acts to restore those cuts, the action by the Council will severely affect our Court's ability to do its job.

The Superior Court continues to operate with an overburdened work force, and approval of all the positions requested in our 1988 budget request is essential to permit the Court to effectively carry out its mission in a timely manner. I don't need to tell you that our criminal caseloads are at an all time high or that initiatives such as the very necessary "Operation Clean Sweep" as well as the expedited child support enforcement program have placed many added duties, responsibilities and pressures upon the court operation.

The details of our request follow:

Mandatory Personal Service Increases For Existing Judges and Support Staff.

Increase for September 1987 pay adjustment: +$210,000. In order to provide for the 1.5% September 1987 employee pay adjustment, $210,000 is requested. We are continuing to experience accelerated criminal case filings resulting from an intensified city-wide crackdown on crime and criminals. Cutbacks which would be required if this mandated cost is not funded would dramatically and adversely affect the criminal justice and public safety systems of this community.

Increase for within grades: +$629,000. This within grade funding request is necessary to cover within grade advancements which are required by law to be given to all eligible employees.

Increase for statutory judicial pay changes: +$537,000. Public Laws 99-573 and 99-500 increased the annual salary of the judges of the District of Columbia Courts. The timing of these law revisions precluded inclusion of the statutorily mandated costs in our fiscal year 1987 budget request and, therefore, the amounts are not in the budget base.

Increase for Retired Judges' pay differential: +$42,000. Since the compensation paid to retired judges performing judicial duties is based on the annual salary of an active judge, the increase in judicial salaries noted above will result in additional cost for the services of retired judges in the amount of $42,000.

Increase for overtime pay: +$35,000. Numerous statutes and Superior Court Rules require that certain units of the Court (e.g., criminal arraignments, new juvenile referrals, small claims) operate on weekday evenings, holidays and Saturdays. These operations generally require the services of the financial unit and Social Services as well as the units' courtroom operation support personnel. Position reductions and vacancies created by limited funding have made it impossible to cover these hours through the use of "FLEX" time. Overtime is the only possible solution and it is estimated that the cost of such overtime will amount to $100,000 in FY 1988, which is $35,000 more than is provided in the budget base. Overtime costs in FY 1986 amounted to over $92,000.

Increase for annualization of new positions authorized in FY 1987: +$242,000. Thirty eight additional positions approved in FY 1987 were funded for nine months. $242,000 is required to provide these positions with full year funding.

Increase for Medicare - employer's share: +$58,000. Effective in 1986, in accordance with the provisions of the Omnibus Budget Reconciliation Act of 1985, new District government employees are required to be enrolled in the Medicare program. Thus for the first time the Superior Court has been required to pay an employer's contribution of 1.45% of employees gross salary. We anticipate that in FY 1988, 195 Superior Court employees will fall under the provisions of the Medicare law resulting in an annual cost to the Superior Court of $58,000.

Court-Wide (Other Than Personal Service) Increases

Increase of contractual interpreter services: +$36,000. The Office of Interpreter Services (O.I.S.) has studied statistics drawn from the U.S. Attorney's Office and the Court with regard to interpreter demand and usage which reveal that the need for emergency interpreter services has grown substantially in the past several years. Statistics from the U.S. Attorney's Office indicate the heaviest concentration of need is for Spanish, Sign language and Korean translators. We project that $44,000 for contractual interpreter service will be needed in FY 1988, $36,000 above the current budget base amount.

Base reduction for office equipment: -$46,000. This base reduction eliminates funding for one-time (non-recurring) purchases of office equipment provided in the FY 1987 appropriation.

Increase for telephone service: +$35,000. It is anticipated that telephone service costs in FY 1988 will amount to $621,000. With only $586,000 in the budget base it is necessary to request $35,000 in additional funding.

Increase for building rental: +$34,000. The Social Services Division, in addition to its primary base of operations in Judiciary Square, has three field units from which it provides its various services. The Court has been advised by the District's Department of Administrative Service that the full cost of the leased space for these three probation office field units in the

Northwest, Northeast and Southeast sections of the City will amount to $151,000 in fiscal year 1988. This is $34,000 above what is currently provided in the budget base.

Increase for maintenance - machinery: +$35,000. The actual cost of office machinery maintenance and repairs amounted to approximately $458,000 in fiscal year 1986. Anticipating a three and a half percent per year rate increase for fiscal years 1987 and 1988, $35,000 more will be needed.

Increase for juror fees and sequestered jury expense: +$250,000. As a result of the District of Columbia's intensified attention to the District's crime problems, the Court's increasing caseload, and the addition of delay reduction programs supported by Congressional initiative, an even more dramatic increase in the number of criminal cases brought before the Court each year is expected. The demand for, and therefore the cost of, jurors is expected to bring the anticipated FY 1988 juror expense to $250,000 above our $3,244,000 base.

Personal Services Increases and Other Related Costs - Staff

Civil Division

a. One CS-6 Motions Clerk (Civil Motions Branch): +$15,000. The increased volume of civil motions filed coupled with the need for expedited motion disposition in order to address a rising case disposition problem has resulted in a tremendous increase in clerical needs in the Civil Motions Branch.

b. One CS-4 File Clerk (Small Claims Branch): +$13,000. The increase in Small Claims jurisdiction in 1985 (from $750 to $2,000) resulted in the number of Small Claims Cases filed (35,719) increasing by 44.4% (or 11,000 cases) in 1985 over the number filed in 1984. The increase in the workload was even greater than the increase in the number of cases filed, for, while the number of new cases filed increased by 44.4% the number of motions filed, reflecting the increased complexity of the cases, increased by 57.1%. In 1986 case filings continued at a very heavy pace resulting in 35,155 filings for the year.

In order to satisfy the tremendous additional filing requirements resulting from this increased workload, one CS-4 File Clerk is requested for the Court's Small Claims Branch.

Increase for the Mandatory Arbitration Program. The Superior Court contracted with the National Center for State Courts (NCSC) for a special study, to make it possible to assess the extent of delay in case processing and to develop a comprehensive delay reduction program. Among many other conclusions, the NCSC determined that case processing time for Superior Court Civil cases is considerably longer than the case processing time standards recommended by the American Bar Association and the Courts own goals. The average time for filing to disposition of a civil case in the Superior Court is presently 730 days while the ABA standard is 365 days and the Courts goal is 355 days.

The NCSC report recommended that the Superior Court implement a mandatory arbitration program to help reduce this case processing delay. An earlier study by the District of Columbia Bar Association also recommended that the Superior Court adopt a mandatory arbitration program. The Court initiated a pilot program in March. The concept has thus far been well received by the Bar and litigants.

It is expected that in the full scale program to be implemented for FY 1988 all civil cases seeking money damages of $50,000 or less, except small claims cases, landlord and tenant cases, and cases seeking equitable relief, will be eligible for the mandatory arbitration program. After a close review of every case filed to determine the realistic value of the case, it is projected that approximately 8,000 cases will be eligible for mandatory arbitration. Of these 8,000 cases, approximately 3,000 will reach joinder of issue and be placed on the arbitration hearing calendar.

In order to administer a program of this scope the court will need funding to hire a staff of four persons.

c. One CS-11 Program Administrator: +$25,000.

d. Three CS-7 Arbitration Clerks: +$53,000.

e. Contractual Services: +$600,000.

The NCSC report recommended that the arbitrators be paid $200 per case. With 3,000 cases for disposition by arbitration, the Court will need $600,000 to pay for the cost of arbitrators ($200 x 3,000 cases).

Criminal Division

a. Three CS-9 Courtroom Clerks: +$57,000. With the emphasis directed at the heavily increasing criminal caseload, the added attention to elimination of unnecessary court delay and the addition of commissioners and judges to the Criminal Division, it is absolutely necessary that at least three additional courtroom clerk positions be funded.

b. One CS-8 Indictment Clerk (Felony Branch): +$19,000. The Felony Branch is presently authorized only one Indictment Clerk position. It is not possible for one Indictment Clerk to handle the continuingly increasing volume. In fact it has been necessary to assign some of these duties to other employees in order to keep current and to comply with Criminal Rule 108 which requires that arraignments in felony cases be conducted within two weeks of the return of indictment. Attorneys frequently complain of the short amount of time counsel and client have between receiving the arraignment notice and the arraignment date. A single Indictment Clerk is just unable to accomplish the task of processing indictments, which includes preparing notices and the mailing of arraignment notices providing the maximum amount of time between parties' receipt of the notice and the arraignment date, in a timely fashion. At least one additional indictment clerk is required.

c. Three CS-6 Control Clerks (Felony Branch): +$47,000. At present, the Felony Branch is authorized only one Control Clerk, while the volume of cases requires a minimum of four Control Clerks in order to stay current with the Branch's workload.

Control Clerks are responsible for transcribing and coding information from court jackets for storage in the Court's EDP system. The Criminal Division anticipates conversion to the Data Base Management System by FY 1988. This new system will have the capacity for capturing much more extensive information on Division cases than is now possible. It will provide more in-depth statistical analysis and increased information recall. As a result, the Control Clerks will be required to enter more information into the system, which will require even more time, energy, and attention to detail. The three additional CS-6 Control Clerks will also enable the Branch to guarantee the accuracy, quality and timeliness of the data entered into the Court's criminal EDP system.

Probate Division

a. Two CS-11 Auditors: +$48,000. Two additional auditors are needed to provide the resources necessary to perform estate audits and reviews in a timely fashion. Probate filings have steadily increased during recent years (2,829 in 1983, 3,014 in 1984 and 3,296 in 1985). The number of pending cases have increased accordingly. In order to eliminate growing backlogs and expeditiously perform current reviews and, as a result reduce the number of pending cases and improve service to the community, two CS-11 auditors are urgently required.

b. One CS-6 Control Clerk: +$15,000. The provision of accurate information by telephone and across the counter in the Probate Division is a particularly acute problem. Current staffing levels do not provide the Probate Division with the manpower necessary to address this concern adequately.

The authorization of a CS-6 Control Clerk will allow the Division to provide an individual at the front desk whose primary responsibility will be to respond to these inquiries.

c. One CS-4 File Clerk: +$13,000. Since 1975, the jurisdiction of the Probate Division has expanded considerably without a corresponding increase in file room staff. The number of orders entered have gone from 5,025 in 1975, to 7,152 in 1980, to 9,662 in 1985 and to 13,102 in 1986.

The increase in cases filed and orders issued over the years does not adequately reflect the increase in the workload generated, for this workload includes substantial numbers of requests and orders for intermediate relief and correspondence which are a major part of the workload burden of the file room. The addition of one CS-4 file clerk will help to ameliorate the Probate Division's file room workload overload problem.

Family Division

Child Support System - 23 Positions - +$166,000. A total of $166,000 is requested for 23 additional continuing full-time positions for the Child Support Enforcement program administered under the Child Support Enforcement Amendment Act of 1985. Since this program operates under the Title IV-D federal program, 66.65 percent ($332,000) of the total program costs ($498,000) are reimbursable from the federal government. The remaining $166,000 would be funded from the Court's budget and would provide nine month funding in FY 1988 for the following positions:

a. One CS-15 Hearing Commissioner: +$18,000.

b. Two CS-9 Courtroom Clerks: +$12,000.

c. One CS-8 Secretary: +$8,000.

d. One CS-6 Administrative Clerk: +$8,000.

e. Four CS-6 Docket/Intake Clerks: +$27,000.

f. Fourteen CS-6 Case Coordinators: +$93,000.

Juror Office

Six positions for the Juror Office: +$90,000. Public Law 99-65 provides for the transfer of the jury management process for the District of Columbia Courts from the U.S. District Court to the Superior Court. In order to implement the juror selection, qualification and summoning process and to pursue the One Trial/One Day system which the statutory changes make possible the following positions are needed.

a. Three CS-6 Jury Clerks: +$48,000. The daily enrollment of jurors, i.e., check-in, orientation, assembly of background information, preparation of panel lists and other related functions will necessitate three additional Jury Clerk positions. The current staff will not be able to handle these responsibilities alone.

b. Three CS-6 Data Processing Clerks: +$42,000. When the anticipated 300-400 qualification forms are returned each day the information contained thereon must be entered into the computer system. Additional personnel will be essential (three Data Processing Clerks at the CS-6 level) to handle these duties.

Personnel Division

One File Clerk: +$13,000. One of the most difficult problems for any personnel department is that of keeping track of personnel files so that they can be located when needed. The necessity of keeping personnel files updated is extremely important since there are constant changes made to an employee's personnel file, such as; life insurance changes, hospitalization changes, proper withholding for tax purposes, etc. At the present time, professional level employees must devote several hours a day to eliminating the backlog of filing important papers in the personnel folders. In order to implement a more cost efficient system and to adequately handle the paper flow a CS-4 File Clerk is requested.

Research, Evaluation and Special Projects Division

a. One CS-11, Coordinator-Researcher - Multi-Door: +$24,000. The Multi-Door Program requires a CS-11 Coordinator-Researcher position to coordinate the Civil I and arbitration programs and handle the Program's continuing data collection needs on an on-going basis. Responsibilities include careful tracking of all cases in which alternatives are tried or which are sent to arbitration and drafting periodic detailed reports on the results. Reports would include such information as type of case, alternative technique used, amount of time from filing to resolution, party satisfaction, attorney preparation time, and percent of trials de novo or appeals.

The Coordinator-Researcher will also be responsible for assisting with the development of training programs for arbitrators and the collection of information on training and other components of arbitration programs in other jurisdictions.

b. One CS-12, Research Associate - Sentencing Guidelines: +$29,000. This Research Associate is needed to handle research functions for Sentencing Guidelines including maintenance of the data base, production of statistical reports, preparation of analyses to assist the Commission with policy decisions, and drafting of research sections of reports to be presented to the Court and the public.

Monitoring functions will include responding to questions of judges, probation officers and others on the calculation of offense and criminal history scores, clarifying and correcting errors on guidelines worksheets, maintaining records on sentencing departures, revocations, and re-sentencing, supervising maintenance of an ongoing data base, providing technical assistance to the monitoring group which monitors conformity to guidelines and preparation of evaluation studies and regular and special research reports.

c. One CS-7, Secretary - Sentencing Guidelines: +$17,000. The Sentencing Guidelines Secretary will carry out regular secretarial functions for the Director of the program such as: receiving telephone calls; reception; reviewing all incoming mail; typing all correspondence, reports and memoranda; maintaining central files and mailing lists for the monitoring group, and key Court personnel; maintaining the Director's calendar; and scheduling appointments. In addition, the Secretary will handle liaison functions with the monitoring group and will draft replies to general inquiries, contact the monitoring group to schedule meetings and confirm attendance, assist in the preparation of materials and agendas for such meetings and arrange meetings of the monitoring group and its subcommittees.

Data Processing Division

a. One CS-13, Computer Specialist: +$34,000. The Court expects and believes that the application of data processing to support its daily functions is essential and will continually increase. This will happen not only in numbers of programs, but also in the degree of sophistication which is expected of the computer products. This ever increasing workload has put a tremendous strain on the Court's data processing staff and has led to the Data Processing Division constantly being in a reactive position.

The addition of a senior level (CS-13) Computer Specialist position will allow the Division to better meet its processing requirements and, in time, to be more creative in its data processing approach.

b. Contractor/Consultant Support: +$95,000. The task of recruiting and retaining data processing professionals is becoming more and more difficult. In order to meet project milestones and avoid overburdening existing staff, an alternative solution to the staffing problem must be found. The contracting of outside technical expertise, judiciously used to inject the skills needed at the time they are required, is such an alternative. Annual fiscal year funding of $95,000 for this purpose will greatly enhance the ability of our data processing staff to meet its many project milestones.

c. Hardware and Software: +$90,000. The Superior Court has seven computer specialist/programmer positions in its Data Processing Division. The number of projects that are currently planned far exceeds the capacity of such a small staff.

If these planned projects are going to be completed in a timely manner, the Court must have $45,000 to invest in software products which improve the programming staff's productivity.

It is anticipated that terminal, printer, and personal computer requirements for the Superior Court for FY 1988, associated with the implementation of new applications and/or the expansion of existing applications, will amount to $45,000.

Administrative Division

a. One CS-13 Deputy Administrative Officer/Facilities and Capital Projects Manager: +$34,000. The responsibilities of the Administrative Office and its Director have increased dramatically over recent years. The Administrative Officer does not presently have a Deputy to assist in overseeing the broad range of operations which are the responsibility of the division. A Deputy is vitally needed to assist the Administrative Officer in the day to day management of procurement, reproduction, information services, capital projects, property, maintenance, night security and mail/messenger operations and to act in the absence of the Director.

A major and direct responsibility of this position will be the duty of managing facilities maintenance and Capital Projects improvements which will entail:

- direction, control, and coordination of the activities of tradesmen and security, janitorial, and building engineer personnel in maintaining Court buildings;

- coordinating and reviewing all Capital Projects as well as other construction work taking place on Court system properties;

- monitoring the condition of all Court property and equipment;

- serving as liaison to the following: cleaning contractors, other tenants in the buildings, repairs and improvements contractors, building engineers, building guards, etc.

b. One CS-7 Procurement Clerk: +$17,000. It has become impossible for the Procurement Section to process all the requisitions (which now number over 3,000 annually) in a timely manner. The number of maintenance contracts have increased from 3 in 1975 to over 100 in 1986. Over 500 orders are issued annually to the D.C. Division of Printing and more than 1,200 purchase orders are processed annually. The complexity of the many items ordered requires a tremendous amount of research and background work.

An additional CS-7 Procurement Clerk is needed in the Procurement Section.

c. One CS-5 Mail Clerk: +$12,000. The demands on the sole motorized messenger have become more than a single individual can handle. The number of requests coming into the Mailroom has increased beyond our present capability. An additional CS-5 Mail Clerk is desperately needed to provide minimal messenger delivery capability both outside and within the Court complex.

Social Services Division

Expansion of Intensive Supervision - Juvenile Restitution Program: 11 Positions; +$356,000. Since beginning as a National demonstration project in 1979, the Juvenile Restitution Program has effectively served as an alternative to incarceration for the serious and repeat juvenile offender. Youth who may be on the verge of being committed to the Department of Human Services are referred to this program, as the services being provided through traditional probation may be inadequate to effect changes within the youngster and keep him/her free from being re-arrested. The re-arrest rate for those youngsters who are in the Juvenile Restitution Program is significantly lower than those who are on regular probation. The Program is successful because of a skillful and planned interweaving of services to the entire family, intensive supervision practices, a mediation process, the required performance of community services, and monetary restitution.

It is proposed that the program be enlarged to serve approximately 120 additional youth per year. Focus will continue to be on family counseling, intensive supervision (ratio of 15 cases per Probation Officer), and community services. It will also continue to provide an alternative to commitment to the Department of Human Services.

Staffing for this expanded operation will require the following:

a. One CS-13 Supervisory Probation Officer: +$40,000.

b. Nine CS-12 Probation Officers: +$299,000.

c. One CS-6 Probation Assistant: +$17,000.

Family Counseling Services: 5 Positions; +$150,000. Basic and fundamental to the provision of treatment services to youth under the supervision of the Court is to involve the family, as well as the youth, in problem resolution. One of the most effective techniques in this approach is to provide family counseling. The Court has provided family counseling to a limited number of families for the past five years in both delinquency and child abuse cases. The need for this service to a substantially larger number of cases is evident and will be even more so when the expanded intensive supervision program becomes operational. To meet this need, it is proposed to expand family counseling services with the following staff increases:

a. Four CS-12 Probation Officers: +$133,000.

b. One CS-6 Probation Assistant: +$17,000.

Screening and Diversion Program: +$234,000. The Screening and Diversion Program has been operating under the auspices of the Court since 1980 and has demonstrated itself to be an effective and viable alternative for hundreds of youth. During the past fiscal year, the program had a remarkable success rate of 93 percent, i.e., 93 percent of the youngsters served were not re-arrested during their service periods.

Presently, the Consortium for Youth Alternatives serves 125 youth per year through a contractual relationship with the Court. The Consortium is comprised of four youth-serving private agencies within the District of Columbia and provides diagnostic and assessment services for youth referred. These assessment services are augmented by an intensive treatment program which focuses not only upon the needs of the individual youth, but places emphasis on working with the entire family in an effort to effect changes in both a preventive and rehabilitative sense.

It is proposed that an additional 125 youth per year be diverted from the adjudicatory phase of the juvenile justice system by screening and randomly selecting youth for referral to the Consortium for Youth Alternatives for diagnostic and treatment services. These cases would be ones which have been petitioned by the Corporation counsel, and for those who meet certain eligibility criteria, would be provided with an alternative to further formal court processing. The expanded program will need $234,000 in increased funding.

Contractual Services for Youth Under Court Supervision: +$100,000. Many youth under court supervision are in need of services which are beyond the capabilities of staff to render. These services are available within the community for a fee. If these non-residential services are not available through the public sector in a timely manner, it is proposed that necessary services be purchased from the private sector. The purchase of these services provides diagnostic and treatment services to meet the individual needs of youth and their families, and would tend to reduce recidivism and subsequent commitment to the Department of Human Services at a substantially higher per capital costs.

Ten CFT positions and nonpersonal services for the Social Services Division: +$415,000.

a. One CS-13 Supervisory Probation Officer: +$34,000.

b. Eight CS-12 Probation Officers: +$226,000.

c. One CS-6 Word Processing Clerk: +$15,000.

Since its creation in 1971, the Social Services Division has continually worked and reworked its resources to accommodate events occurring outside its control that, nonetheless, impact on its day-to-day operations. The cumulative effect has been a substantial increase in the workload of the Division. For example, between 1976 and 1985 the caseload increased 66.8 percent (from 7,885 to 13,153). New adult cases alone went from 9,225 in 1984 to 10,734 in 1985 - a 16.4 percent increase.

In order to cope with the ever-increasing caseload of the Social Services Division it is necessary that 1 CS-13 Supervisory Probation Officer; 8 CS-12 Probation Officers, and 1 CS-6 Word Processing Clerk be added to the current staff.

d. Expanded Youth Service for Troubled Juveniles: +$25,000. An expansion of the purchase of services program is needed for offenders involved in the Juvenile Intensive Probation Supervision Program. Youth involved in this special emphasis program are some of the most troubled, dangerous, and difficult-to-manage juvenile offenders. These repeat offenders are in need of timely and comprehensive diagnostic and treatment services which are beyond the capabilities of Social Services Division staff or other public agencies to render. These professional services are available from private sector vendors in the community for a fee. If these non-residential services are provided in timely fashion to troubled youth and their families, it would tend to reduce the traditionally high rates of recidivism and subsequent commitments which are typical of this specialized population. This would mean significant cost savings for the District of Columbia in lieu of the substantially higher costs of institutionalization in a secure facility for these same juvenile offenders.

e. Word Processing System: +$59,000. The word processors installed in the Division Report Production Center (RPC) were originally purchased during the period 1980 through 1982. In August 1984 these word processors were upgraded with new disk drives and expanded memory units to increase their capability. It has been only through the addition of those features which were provided in 1984 that the RPC has been able to maintain a system which produces over 800 presentence reports for the judiciary every month. However, these word processors are eight years old and will have had three to four years of hard usage on even their newest components. Each of the devices in the RPC operates continuously eight hours each day, five days a week. With the kind of use this equipment receives, it is not surprising that, over the time periods cited, the components have, literally, become worn to the point that they must be replaced.

Additional Word Processing System support will be needed in the RPC to support the additional probation officers approved in the FY 1987 budget, and hopefully, approved in this FY 1988 submission. It is anticipated that a number of the FY 1988 positions will be assigned to diagnostic report writing functions due to the Division's growing caseload in this area. The Word Processing Clerk requested in this budget, if approved, will bring the RPC complement of typists to ten and, therefore, ten work stations and four printers are required which are expected to cost $59,000.

f. Computer Equipment, +$40,000. In August 1985, the Executive Officer of the D.C. Courts approved a pilot project for the expanded computerization of the Social Services Division. The purpose of the expanded computerization program is to streamline the paperwork processes of the Division's probation staff thereby allowing more time for their primary function of supervising probationers. The $40,000 requested will provide one-sixth of the supervision probation unit offices with a computer terminal and will make expanded computerization support available to all of the Division's diagnostic units. (This funding must remain in our budget base to permit the phasing in of the remaining portions of the computer equipment network and to cover necessary maintenance costs for the equipment.)

g. Partitions: +$16,000. Several office areas exist in Building B which have changing usages for Division staff. To accommodate the changing needs of the Division, and to make maximum use of the existing physical plant, mobile modular room partitions are needed. Floor to ceiling partitions are also needed in Supervisory Probation Officer offices. These partitions are necessary to insure confidentiality, particularly for personnel matters discussed between supervisor and staff member. The total cost of these partitions is expected to amount to $16,000.

We now have an opportunity, with a full complement of judges and commissioners, for the first time since Court Reorganization in 1970 to strongly attack case backlog and unnecessary delay in our Court and to make the Superior Court of the District of Columbia the model court which this City deserves and which will be second to none in our nation.

In closing, Mr. Chairman, I wish to thank you and the members of the Committee for your kind attention to my presentation and express the hope you will look favorably upon the Court's request.

Fiscal Year 1988 Budget
Analysis of Differences
Between the Superior Court's Request
and Council's Recommendation

Vacant Positions:

Page 14 of the Committee on the Judiciary's "Committee FY '88 Budget Report" reads:

> ". . .according to its own statistics, there are 41 funded but unfilled positions in the Superior Court budget."

The inference is that the Court has funds to fill those vacancies, but, the Superior Court, like many other segments of the District of Columbia government, is not provided with funds to support 100% of its authorized positions for a full year and it is, therefore, never possible to be at total authorized strength. Because of this, the Court must control hiring to fill vacancies to assure that it constantly has at least 35 - 40 positions vacant in order to be able to remain within its annual budget for salaries. This requires that approximately 3% of our positions, albeit different positions at any point in time, are necessarily vacant.

Computer and Word Processing Hardware and Software: (- $284,000)

It is clear from the report that the Committee on the Judiciary recognizes that there is tremendous pressure upon the Court staff to sustain an ever-increasing workload. It is, therefore, quite disappointing that an increase in hardware and software for data processing and word processing support was stricken. The one way to provide better service to the citizens of the community with minimal additional personnel is through the reduction of the paper workload of our employees in order to make it possible for staff to provide more in-person attention to the needs of the users of the Court System.

The Recommendations of the National Center for State Courts:

It is apparent that there has been some misunderstanding regarding the recommendations of the National Center for State Courts. The Committee's report recommends that the Court implement five specific recommendations:

1. "that the Court should develop a mechanism to monitor the cases from the time the complaint is filed" -

   (This has already been developed and implemented);

2. "that Small Claims and Landlord and Tenant Jury cases should continue to be placed on a special fast track from case filing to disposition" -

   (There have been no changes in procedures and, therefore, Small Claims and Landlord and Tenant Jury cases continue to be placed on a special fast track from case filing to disposition);

3. "that caseflow management should start when the answer is filed" -

   (Caseflow management does start from the moment the case is filed through entry on the Court's new computer tracking system);

4. "that judges assigned to the Family Division should remain a minimum of six months with a preferred rotation pattern of 9 to 12 months" -

   (The first judicial assignment schedule issued by Chief Judge Ugast upon assuming the Office of Chief Judge in June required that judges remain in each division for a minimum of nine months); and

5. "that there be implementation of the voluntary arbitration system" -

   (A voluntary arbitration system was implemented in 1982 and has been operating for almost five years but, frankly, it doesn't work. Only 37 cases have been voluntarily placed in the program in those five years. That is the reason the National Center for State Courts found "another key recommendation for the Civil Division is the expansion of the current voluntary arbitration program into a mandatory court managed program."

   The Court has implemented just about every non-cost or low-cost recommendation of the National Center but, in order to make real progress in the civil backlog, all of the local bar associations agree (and fully support) the determination that the mandatory arbitration program reflected in the Court's budget request is needed.)

Stipend for Mediators: (+ $250,000)

The Court applauds the Committee's recommendation that volunteer mediators in the Small Claims and Domestic Relations areas be paid a stipend of up to $25 a day. The mediators have performed superbly and have been a tremendous help to the Court. However, these funds were redirected from the proposed arbitration program.

Volunteer Arbitrators: (- $678,000)

It must be pointed out, however, that the mediation program for Small Claims and Family Disputes is quite different from the arbitration program. Arbitration is to be provided for the traditional civil case with an amount in controversy of up to $50,000. Arbitration of these cases has to be conducted by experienced members of the bar for the hearings will involve complex legal matters. It will be difficult to just recruit sufficient numbers of experienced attorneys to provide this service and the recruitment will be impossible unless there is a reasonable payment for services.

Capital Program: (- $600,000)

In addition, it is apparent that space will be needed for arbitration hearings. It has been proven, nationally, that it is not practical to permit arbitration to be loosely managed. Experience of those jurisdictions which permit lawyers to hold arbitration hearings in their offices is that file control is destroyed, that the time to disposition lengthens and that the monitoring of timely case disposition becomes a tremendous task. If court-managed mandatory arbitration is to become a reality in the District of Columbia, it will be absolutely necessary to provide an arbitration facility and, therefore, the Capital Program proposed by the Court will be a vital ingredient.

Deputy Administrative Services: (- $34,000)

As the Council is aware, the District is embarking upon a multi-million dollar construction program to provide 11 additional courtrooms and chambers. This project and a series of smaller projects that are required to make maximum use of all existing space, make it critically important that someone be charged, on a day-to-day basis, with liaison and oversight of what we estimate will be a continuing battle to provide sufficient space for the Court's operations. In addition, the extremely heavy load on our already understaffed Administrative Services Division calls for the addition of at least one more person.

Juvenile Initiatives: (- $840,000)

A Juvenile Intensive Probation Supervision Program and a Family Counseling Service are basic components of the Mayor's "juvenile initiative" and are vital to the success of assisting the more troubled, repeat youthful offenders in becoming productive citizens of our community. The Intensive Probation Supervision Program is designed to serve the youth who are already in the Juvenile System and who would be prime candidates for incarceration in the City's youth correctional system, namely, the D.C. Children's Center. The youth's offense would be a relatively serious offense and the appearance in Court would have been preceded by several prior arrests, petitions, and adjudications. It is strongly believed that with intensive supervision of this type of youngster along with appropriate supporting services provided in the screening and diversion request, commitment to an institution and the absence of further illegal acts could be averted. Our Juvenile Restitution Program is a prototype of what we would plan and design in an intensive juvenile supervision program. (One of the successful results of the Juvenile Restitution Program is that the re-arrest rate of participants is approximately one-half of that of those youth who are placed on regular Probation.) Unquestionably, many, if not all of the youth who would be in this program would otherwise be committed to the Department of Human Services if this alternative is not available. This would be neither cost-effective nor effective in terms of the long range goal of rehabilitation.

Family counseling for the overwhelming majority of our youth and their families is an inescapable necessity in the rehabilitation process. Many of the factors contributing to delinquent behavior stem from family disintegration, lack of understanding and poor communication between family members, and the absence of a value system within the family to establish proper moral codes. We would plan to use the requested Family Counselor positions to: 1) concentrate on family services to the Intensive Probation Unit and 2) to expand our counseling services to other youth and families under the court's supervision.

The alternative approach proposed by the Committee on the Judiciary will address prevention areas and long-range improvements but, will have no affect on today's or tomorrow's incarcerated juvenile.

Sentencing Guidelines: (- $46,000)

A major recommendation of the Sentencing Guidelines Commission was that the Guidelines be monitored closely:

(a) To determine the effect of the rehabilitative component;
(b) To determine the effect of the concurrent/consecutive sentence decision;
(c) To determine the impact on incarceration levels; and
(d) To ensure that the guidelines are not implemented in a racially disparate manner.

These tasks, in addition to the data collection and analysis that every state's sentencing guidelines effort has incorporated to monitor adherence, evaluate departures and analyze guidelines affect on disparity, mandate the two support positions requested by the Court and deleted by the Committee on the Judiciary.

OPENING STATEMENT OF EXECUTIVE OFFICER OF THE COURT SYSTEM

Senator HARKIN. I have some questions, but let us go ahead now with Mr. Polansky.

Mr. POLANSKY. This is not my first time before the committee. This is the ninth time I have come here, so I recognize that there never really is enough time, so mine will be very short, Senator.

Senator HARKIN. All right.

Mr. POLANSKY. This [pointing to a projected diagram on a screen] is that joint committee that Judge Pryor suggested was the administrative managing body of the court. Judge Pryor is the Chair, Judge Ugast and Judge Walton are the trial judges, and Judge Terry is the other court of appeals judge. I am an ex officio nonvoting member of that committee.

The total organization of the joint committee is my boss, but in matters relating to each of the courts, the chief judge is my boss, and that [pointing to screen] is the line of authority that goes down through me to the two clerks of the court.

One of my major duties, of course, is the budget and I would like to point out to you that the figure down at the bottom, on the right, represents the court's share of the basic budget. [Pointing to a miniscule portion of a dollar representation on the screen.] [Laughter.]

We have a relatively minuscule part of that budget, but that budget money is extremely important because we will use that little piece fast.

The major part of the court system budget——

Senator HARKIN. Again, I would like to know how this compares to other states.

Mr. POLANSKY. I think we are a little bit lower. Three percent is the national norm, I think, of funding for courts. We are at best 2.4 percent, and with a $2.5 million redirection we are down below that percentage.

CRIMINAL JUSTICE ACT FUNDS

If you exclude from our budget what is a major part of the court system budget, that small portion that remains is court system. Most of that budget is Criminal Justice Act; the provision of funds for defense counsel for the indigent. That is the major part of our budget.

Approximately 15 percent of the criminal cases are handled by the Public Defender Service that was talked about earlier. The rest of the cases are handled by private counsel hired under the Criminal Justice Act legislation. That is most of our budget. That is, most of the request that the court system piece of the budget has this year, is for an increase to the Criminal Justice Act funds.

That [pointing to chart on screen] is how Criminal Justice Act funding has grown from 1982 until now. It has gone from $5 million-plus to just under $14 million today. It is a significant part of the overall court budget as well. The provision of defense counsel is not really a piece of the court's activities.

Other than that, we request one employee, a clerk for the court reporters. This is a very small and simple budget excluding the request for additional Criminal Justice Act funding. I would answer any questions that you may have, Mr. Chairman.

Thank you.

PREPARED STATEMENT

Senator HARKIN. Thank you very much, Mr. Polansky. Your statement will be made part of the record.

[The statement follows:]

STATEMENT OF LARRY P. POLANSKY

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, I thank you for the opportunity to speak today to the budget of the District of Columbia Courts System.

The court system is requesting a fiscal year 1988 operating budget of $17,230,000, an increase of $1,202,000 and one position over fiscal year 1987. It is important to note that $1,053,000 or 88 percent of that request is for Criminal Justice Act funds to provide legal representation for indigent defendants.

The remaining $149,000 for the court system is made up of: $120,000 for mandatory payroll costs; $8,000 for an increase in membership to the National Center for State Courts: $8,000 for training expenses; and $17,000 for a court reporting records control clerk; offset by a nonrecurring cost adjustment of $4,000.

We are also requesting $600,000 in new capital authority in order to convert an existing storage area to meet the requirements for the establishment of an arbitration center and $500,000 to provide for necessary general improvements to our court buildings. Unfortunately, although the arbitration project had the Mayor's support, the Council of the District of Columbia deleted the Mandatory Arbitration Program from the Superior Court budget, and, therefore, did not recommend the $600,000 needed to provide the necessary office space.

In preparing the courts' budgets we have, as always, kept in mind the continuing fiscal constraints under which the District operates and the extraordinary pressures that a reduced federal payment may impose on lthe fiscal year 1988 budget process.

Finally, on behalf of myself and the Joint Committee on Judicial Administration, I want to thank you for your consideration of our requests and ask that you look favorably upon this year's submission.

PUBLIC DEFENDER SERVICE VERSUS CJA PROGRAM

Senator HARKIN. You talked about the Public Defender System [PDS]. You said that $13 million of the court systems' $17 million budget request is related to the fees paid for indigent defense?

Mr. POLANSKY. I think the figure is $13,611,000.

Senator HARKIN. That is almost the whole budget.

Mr. POLANSKY. Right.

Senator HARKIN. How come it is so high if you have got a Public Defender Service?

Mr. POLANSKY. PDS only handles 15 percent of the cases. They do what is called vertical representation and offer, perhaps, the finest representation. I think they are the finest.

Senator HARKIN. I do not understand what vertical representation is.

Mr. POLANSKY. They reach their client at arrest time and the lawyer who has the client at arrest time stays with his or her client through to final disposition of the case.

Many jurisdictions send a public defender to the court room who handles what comes before him/her that day. It is not handled that way here. The defendant gets the finest representation, I believe, in the country from the Public Defender Service.

NUMBER OF PUBLIC DEFENDER LAWYERS

Senator HARKIN. How many lawyers are there? How big is the Public Defender Service?

Mr. POLANSKY. There are over 100 lawyers. I am not sure that I know the number.

Judge UGAST. I would say there are a little over 100. Under the statute, Senator, the public defender is authorized to handle up to 60 percent of the indigent cases. In the 13, almost 14 years I have been on the court—you, Judge Pryor, have been on longer than that in the trial and appellate court—I do not believe they have ever handled more than 15 percent, based, I think, on their resources and their belief as to the quality of representation required in order to carry out their responsibilities. While the Criminal Justice Act has always been very costly, but then there was a recent change in the rate of compensation.

Senator HARKIN. OK. Do you have that number?

STAFF. I show 123 positions.

Senator HARKIN. 123 positions, but that would——

Judge UGAST. But they would not all be lawyers, now.

Mr. POLANSKY. Investigators.

Senator HARKIN. So about 100.

Judge UGAST. It might be a little less than that.

FULL-TIME, SALARIED PUBLIC DEFENDER LAWYERS

Senator HARKIN. A hundred lawyers. Now, those are full-time employees of the Public Defender Service, right?

Mr. POLANSKY. Yes.

Senator HARKIN. Salaried lawyers. They do not practice on the outside?

Mr. POLANSKY. No.

Senator HARKIN. Full-time public defenders.

Mr. POLANSKY. Yes.

PUBLIC DEFENDER SERVICE BUDGET VERSUS CJA BUDGET

Senator HARKIN. And what is their budget?

Mr. POLANSKY. $5 million.

Senator HARKIN. $5 million, and yet you have got $13 million—that does not add up.

Mr. POLANSKY. Well, they are taking 15 percent of the cases and we are handling the other 85 percent. They are taking less than one-sixth, then in order to fund 100 percent at the same rate we should have $30 million to handle the rest.

Senator HARKIN. Give that to me again now.

Mr. POLANSKY. They are handling 15 percent, which is less than one-sixth.

Senator HARKIN. Yes?

Mr. POLANSKY. So their $5 million should be one-sixth of our budget, which means our budget for that should be $30 million if we were comparably funded to provide representation.

Judge UGAST. The $5 million is salaries and that is not the Criminal Justice representation aspect you are talking about, is it, Senator?

Senator HARKIN. But if it is going to cost that much to support people who handle less than one-sixth of the load, actually closer to one-seventh——

Judge UGAST. What you are saying is if the public defender did it at the rate they have, it would be $30 million and not $13 million.

Mr. POLANSKY. Conceivably.

INCREASE IN CJA FEES

Senator HARKIN. In fiscal year 1988, an increase is requested in the Criminal Justice Act fees paid. Is this the result of an increase in the hourly rate or an expected increase in qualifying defendants?

Mr. POLANSKY. The hourly rate has not changed in a couple of years.

HOURLY RATE PAID CJA LAWYERS

Senator HARKIN. What is the hourly rate?

Judge UGAST. $35, in or out of court. It used to be $20 out of court and $30 in court, and 2 years ago I believe it changed to $35 straight.

IMPACT OF OPERATION CLEANSWEEP ON CJA PROGRAM

Mr. POLANSKY. It is really based on the number of cases coming before the court, and Operation Cleansweep has had a considerable impact upon that. You saw the increase to 7,700 felony cases from 6,600 in the matter of a year. That is a 17-percent increase in 1 year.

The vouchers continue to expand with the average dollar value per voucher getting higher each year as there are more requirements for proper representation by the attorney.

TIME ON APPEAL FOR BOTH CRIMINAL AND CIVIL CASES

Senator HARKIN. Judge Pryor, you said the overall time was 566 days on appeal. What is the difference between criminal and civil, do we have anything like that, that we would know what that might be?

Judge PRYOR. Let me see.

Senator HARKIN. If you do not have it, we can get it later.

Mr. POLANSKY. Can we get that for you?

Senator HARKIN. Sure.

Judge PRYOR. I can tell you this, that I am looking at a figure that shows that the number of criminal appeals, consistent with what Judge Ugast just said, continues to climb, so that that has not leveled off. It is continuing to climb and this year is the largest it has ever been.

ADDITIONAL STAFF FOR INCREASED FILINGS

Senator HARKIN. You are requesting two additional staff for increased filings?

Judge PRYOR. I look at it as short term and long term. For the short term, I am requesting two additional staff, but my earnest request to you is over the long term. We have got to come to grips with what is an obvious problem.

STATUS OF AN INTERMEDIATE COURT OF APPEALS

Senator HARKIN. What is being done in this intermediate court of appeal, what is being done on that? Is there anything moving on that?

Judge PRYOR. Well, I know, for example, that Delegate Fauntroy introduced a bill—when was that, Larry?

Mr. POLANSKY. January.

Judge PRYOR [continuing]. In which he proposed such a configuration. Of course, where that will lead, I do not know. In terms of what I have done about it, I have discussed it thoroughly in joint committee with Judge Ugast, with the judges on my court, and at every opportunity with the bar associations. I feel they will be the vocal groups that will speak to what solution is chosen.

I guess I have done one other thing, Senator. This is the first year that I have come down hard and said that a change has got to be made. Up to now, I have been rather cautious about it.

Senator HARKIN. You have come to a point where you just have to have a change?

Judge PRYOR. I would not like to be in this room 3 years from now. I think at that point we will be at the stage of alarm.

Mr. POLANSKY. We are falling behind 200 or 300 cases each year, so that the 566 days average will increase.

Senator HARKIN. Do we have any cost estimates on this intermediate court, how many judges we are talking about, how much it will cost, that kind of thing?

Mr. POLANSKY. We do.

Judge PRYOR. The study that was done last year has that.

Mr. POLANSKY. This [pointing to a chart on the screen] is based on last year's study by the National Center for State Courts, indicating that a seven-judge court, with law clerks and secretaries and a couple of clericals is needed for what the workload is expected to be. That was the estimate for the cost, annual cost.

Judge PRYOR. I think candor requires that I say that those were the salaries of judges at that time and they have since changed, a slight increase.

SLOW PROCESSING OF DRUG TESTS BY DEA LABORATORY

Senator HARKIN. It was reported by the Washington Post, Judge Ugast, that felony cases have been dismissed because the Drug Enforcement Administration Laboratory had been slow in processing tests on confiscated drugs. Do you have any knowledge of how long it takes to receive those reports? Do you have any suggestions of what we do to expedite this? Is it a problem or is this not a problem?

Judge UGAST. The report was accurate at the time. I had meetings with the Attorney General and the U.S. attorney in an effort to see what could be done.

It is the Middle Atlantic Region of the DEA which is responsible for all the federal testing as well as us locally. Steps were taken for 90 to 120 days to try to bring it current.

What has happened is this: It is barely current at the moment. I would say it is current. I do not hear of cases being dismissed because of the lack of reports, but it is just "keeping its head above water."

What has happened, however, is that the U.S. Attorney's Office has made a change in policy of dispositions. They are offering dispositions to attempted possession or attempted distribution with a requirement of admission by the individual. The plea is that the individual believes that whatever drug he was charged with was in the evidence and is waiving the production of the report, so a report has not been required in those cases.

We have also gone to a procedure of an abbreviated report which does not deal with quantity but only the nature of the substance where there is a completed offense and if it is by plea as opposed to a trial. That has been the method, together with some additional resources, which has permitted them to be barely current.

SIX-WEEK PERIOD FOR DEA TEST RESULTS

On the juvenile side, such policies have not been put into effect in terms of a change of disposition because really there is no mandatory minimum involved and there is a quick turnaround of 30 days. It takes a good 6 weeks to get the DEA 7's, as the report is called.

I talked to both the Corporation Counsel and the U.S. attorney yesterday before coming up here to get their assessment of where we stand regarding the issue of the lab work——

Senator HARKIN. Six weeks?

Judge UGAST. A good 6 weeks. We were not getting them for sentences even after the plea or the trial.

Senator HARKIN. Why does it take so long?

Judge UGAST. The volume and the complete report apparently take longer and that is why an abbreviated report, which is what they are dealing with now on a plea to the completed offense for purposes of the sentence has helped. It does not get into quantity and analysis.

ALTERNATIVES TO INCARCERATION

Senator HARKIN. I have one other question that has to do with the overcrowding of jails and prisons. As you know, they are building a new prison. We are plagued with overcrowding conditions, as I understand it, in these facilities. Your court sees these defendants. Are there any alternatives to incarceration that makes any sense for the types of defendants you see? Are there different types of defendants that might be incarcerated differently?

Judge UGAST. The one that I think holds the greatest potential, Senator, is our intensive probation effort. That program is the one where individuals in felony cases who would otherwise in all likelihood be incarcerated are placed on intensive probation, with certain types of limitations and restrictions because of public safety and recidivism concerns. I think that type of program lends itself best as an alternative.

Now, there are all kinds of lesser type alternatives: restitution; work release with sentences; and other more traditional types of alternatives. But the intensive probation effort, where the contacts are numerous throughout each week, both at home or on the job, is the type of supervision that we are trying to work with right now and which appears to have the best potential. We are assessing both incarcerated people and those being sentenced. It has been a slow process because we have to be very careful of the criteria employed so as to cut down on the recidivism rate.

We have 48 persons in the program right now since we started at the end of October. We expect to have 100 by the 15th of July. There have been four rearrests resulting in efforts for revocation, and two bench warrants with requests for revocation during this period of time.

But we think that represents, balancing everything, the appropriate sanctions to protect the safety of the community and the opportunity for rehabilitation in terms of individuals involving offenses of felonies, not misdemeanors. Certain types of offenses involving people with psychological or drug problems, may not fit as well into our criteria as other charges such as assaults.

We are high on the potential of the Intensive Probation Program but we are being very careful to calculate the criteria as to whether it should be adjusted in light of the experience we are having.

CLOSING REMARKS

Senator HARKIN. Do you have anything else?

Judge PRYOR. No, sir.

Mr. POLANSKY. No.

Senator HARKIN. Judge Ugast?

Judge UGAST. No. Thank you.

Senator HARKIN. OK. Thank you all very much.

Judge PRYOR. Thank you.

Judge UGAST. Thank you, Senator.

Mr. POLANSKY. Thank you.

Senator HARKIN. It has been very nice. It is good to meet you all.

Our second panel represents the D.C. Board of Education and the public schools, including the Honorable David Hall, the president of the Board, and Dr. Floretta McKenzie, Superintendent of Public Schools.

I want to welcome Mr. Hall and Dr. McKenzie to the table, if they will come down and take seats here.

I am going to take a recess for about 3 minutes and I will be back.

[A brief recess was taken.]

[CLERK'S NOTE.—An overview of the D.C. courts was submitted to the subcommittee and will be inserted at this point in the record.]

[The information follows:]

DISTRICT OF COLUMBIA COURTS ORGANIZATION AND OPERATIONS

The District of Columbia Courts, consisting of the Court of Appeals and the Superior Court, constitute the Judicial Branch of the District Government and are separate and distinct from the Executive and Legislative Branches.

The organization and operation of the District of Columbia Courts, a completely unified court system, are described in detail in the "District of Columbia Court Reform and Criminal Procedure Act of 1970." The purview of the respective courts, the Joint Committee on Judicial Administration and the Executive Officer, may be summarized as follows.

Under statute, responsibility for the administrative activity of the District of Columbia Court System is vested in the Joint Committee on Judicial Administration which consists of: Chief Judge, Court of Appeals (Chairman); Chief Judge, Superior Court; one Associate Judge, Court of Appeals; and, two Associate Judges, Superior Court. The Executive Officer serves as Secretary to the Joint Committee.

The Executive Officer administratively manages the District of Columbia Court System, as authorized by the "District of Columbia Court Reform and Criminal Procedure Act of 1970," and in accordance with the policies of the Joint Committee on Judicial Administration and the Chief Judges in their respective courts.

The highest court of the District of Columbia is the District of Columbia Court of Appeals, and final judgments and decrees of the Court of Appeals are reviewable by the Supreme Court of the United States in accordance with Section 1257 of Title 28, United States Code.

As the equivalent of a state supreme court, the responsibilities of the Court of Appeals include:

Review and approval of proposed Superior Court Rules which would modify either the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure.

Review of all appeals from the Superior Court.

Review of orders of District of Columbia administrative agencies.

Management of admissions and grievances associated with membership in the District of Columbia Bar.

Establishment of the Committee on the Unauthorized Practice of Law.

In addition, the Chief Judge of the D.C. Court of Appeals serves as Chairman of the Joint Committee on Judicial Administration and the Judicial Planning Committee.

The Superior Court is the court of general jurisdiction over virtually all local legal matters and is the only fully-unified tribunal in the country, both in terms of jurisdiction and with respect to designating a single class of judges at the trial level. That is, this Court consists of divisions which provide for all local litigation functions—criminal, civil, juvenile, domestic relations, probate, tax, landlord and tenant, traffic and other functions which are, in other jurisdictions, spread among several courts operating on municipal, county and state levels. Judges of the Superior Court rotate on a scheduled basis as follows:

Civil Division: Jurisdiction over any civil action or other matter, at law or in equity, brought in the District of Columbia, regardless of the amount in controversy, rests with the Superior Court.

Criminal Division: The Criminal Division is responsible for processing persons charged with crimes in the District of Columbia.

Family Division: The Family Division of the Superior Court embraces the jurisdiction exercised by the former Juvenile Court of the District of Columbia and the Domestic Relations Branch of the former D.C. Court of General Sessions.

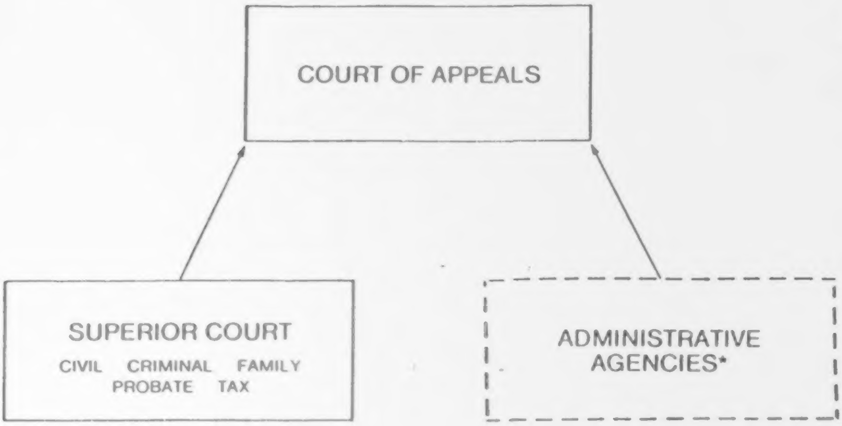
Probate Division: The Office of Register of Wills supervises and controls the administration of all decedents' estates in the District of Columbia, as well as guardianship estates of all minor children in the District of Columbia.

Tax Office: All tax cases (both civil and criminal) brought by or against the District of Columbia are filed in the Tax Office of the Special Operations Division of the Superior Court.

The *Social Services Division* provides the Superior Court with social and rehabilitative services required for its clients. It is also responsible for providing social information and recommendations to assist the Court in making individualized decisions in all phases of the adjudicative process.

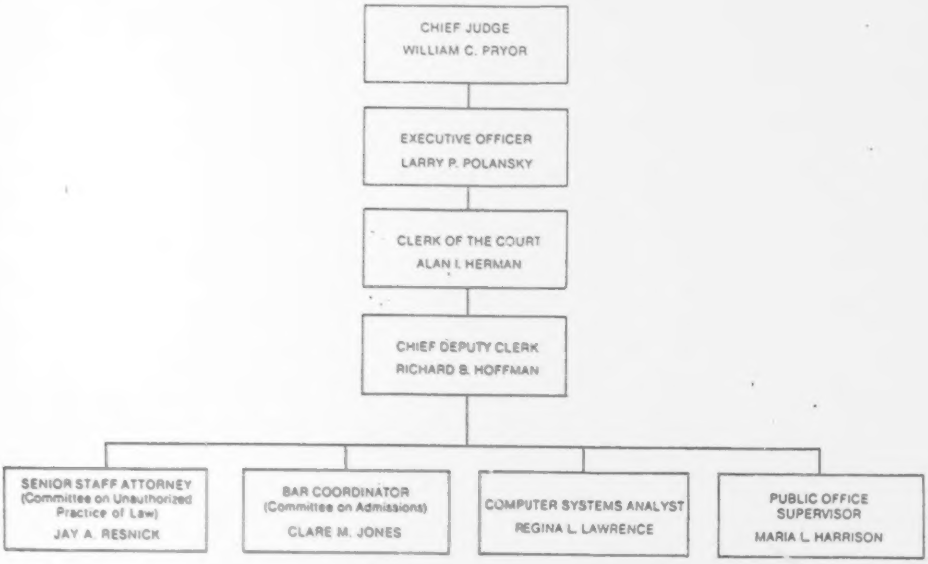
The *Marriage Bureau* processes marriage license applications, issues marriage licenses and ministers' licenses. In addition, this office collects the fees applicable to marriage license applications.

ROUTE OF APPEALS


COURT OF APPEALS
SUPERIOR COURT
CIVIL CRIMINAL FAMILY
PROBATE TAX
ADMINISTRATIVE AGENCIES*

*Also, certain "contested cases" arising from decisions of the Office of the Mayor and the Council of the District of Columbia

DISTRICT OF COLUMBIA COURT OF APPEALS
ADMINISTRATIVE STRUCTURE


CHIEF JUDGE
WILLIAM C. PRYOR
EXECUTIVE OFFICER
LARRY P. POLANSKY
CLERK OF THE COURT
ALAN I. HERMAN
CHIEF DEPUTY CLERK
RICHARD B. HOFFMAN
SENIOR STAFF ATTORNEY (Committee on Unauthorized Practice of Law)
JAY A. RESNICK
BAR COORDINATOR (Committee on Admissions)
CLARE M. JONES
COMPUTER SYSTEMS ANALYST
REGINA L. LAWRENCE
PUBLIC OFFICE SUPERVISOR
MARIA L. HARRISON

FILINGS BY CATEGORY AND RATIO TO DISPOSITIONS

	1978	1979	1980	1981	1982	1983	1984	1985	1986
Criminal	666	574	719	771	690	720	748	891	939
Civil	375	419	434	537	598	534	629	511	517
Agency	152	124	134	204	191	207	348	266	183
Special Proceedings	76	79	82	73	106	75	46	55	42
Disciplinary	n/a	n/a	n/a	n/a	n/a	35	39	47	53
Rehearings Granted	n/a	n/a	n/a	n/a	n/a	9	18	28	29
Total Filings	1,269	1,196	1,369	1,585	1,585	1,580	1,828	1,798	1,763
Total Dispositions	1,331	1,278	1,194	1,235	1,546	1,587	1,518	1,570	1,567
Ratio Dispositions/ Filings (%)	104.9	106.9	87.2	77.9	97.5	100.4	83.0	87.3	88.9
CASES PENDING DECEMBER 31	1,163	1,081	1,256	1,606	1,753[a]	1,771[b]	2,081	2,309	2,505

[a] Adjusted balance to correct past years' errors in counting of pending cases picked up through computer management reports.

[b] Adjusted balance to include reinstated cases.

COMPARATIVE ANALYSIS OF TIME ON APPEAL*

	Number of Days							
	1979	1980	1981	1982	1983	1984	1985	**1986**
Overall Time on Appeal	449	474	508	544	487	513	521	**566**
Stages of Appeal								
Time from Notice of Appeal to Filing of Record	127	137	149	170	175	171	183	**197**
Time from Filing of Record to Completed Briefing	142	151	166	161	156	178	164	**160**
Time from Completed Briefing to Argument or Submission	94	101	102	112	92	100	117	**108**
Time from Argument or Submission to Decision	112	105	114	110	82	83	79	**97**

*Only those cases which reach a particular stage of appeal are used to calculate the average time in that stage. All cases are included in the overall time on appeal. Therefore, the sum of the intermediate stages will not equal the overall time. Dispositions by order are not included in these statistics.

Summary of Court of Appeals Implementation Costs

Salaries

Position	Estimated Salary	Number FTE	Total
Chief Judge	$72,800	1	$72,800
Associate Judges	72,360	6	434,160
Director of Central Staff	50,000	1	50,000
Law Clerks	27,000	21	567,000
Judicial Secretaries	24,000	7	168,000
Clerks	16,000	4	64,000
Secretary	15,000	1	15,000
Secretary	24,000	1	24,000
Total Salaries			$1,394,960
2. Fringe Benefits @ 25%			348,740
3. Overhead & Administration @ 50% of salaries and benefits			871,850
4. Office equipment and supplies			182,235
5. Automation			100,000
6. Total Costs			$2,897,785

Space Requirements for Intermediate Appellate Court

Space	Range (sq. ft.)	Number Persons	Total Sq. Ft.
Judges' Offices			
Personal Work Area	150 - 200	7	1050 - 1400
Conference Area	120 - 160	7	840 - 1120
Robing/Toilet	35 - 70	7	245 - 490
Total Judges' Offices	305 - 430	7	2135 - 3010
Judicial Secretaries	100 - 150	7	700 - 1050
Law Clerks	80 - 120	21	1680 - 2520
Dir. Central Staff	150 - 200	1	150 - 200
Courtroom[a]	----	--	----
Conference Room[b]	300 - 475	1	300 - 475
Clerk's Office	45 - 85	4	180 - 340
Secretaries	100 - 150	2	200 - 300
Records Storage	1500	1	1500
Reception Area	10 - 15	5	50 - 75
Copying/Equipment/Supplies	250 - 350	1	250 - 350
Total			4960 - 6810

---

[a] Assumes new Court of Appeals would share current courtroom.

[b] Assumes a conference room large enough in which to hold 3 judge panel hearings with 15 spectators; 2-4 attorneys; clerk; court reporter; and bailiff present.

Source: Guidelines for the Planning and Design of State Court Programs and Facilities. Vol. B3, J. MacGregor Smith and Robert J. Larson, "Appellate Court Planning."

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Chief Judge

Fred B. Ugast

Associate Judges

George Herbert Goodrich
Sylvia Bacon
Eugene N. Hamilton
Joseph Michael Hannon
Luke C. Moore
Donald S. Smith
Bruce S. Mencher
Robert M. Scott
Paul R. Webber III
Annice McBryde Wagner
Gladys Kessler
Robert A. Shuker
Carlisle E. Pratt
Frederick H. Weisberg
Peter H. Wolf
Harriett R. Taylor
Shellie F. Bowers
Truman A. Morrison III
Frank E. Schwelb
Henry H. Kennedy, Jr.
Iraline Green Barnes
William C. Gardner
Ricardo M. Urbina
Henry F. Greene
Richard S. Salzman
Warren R. King
Reggie B. Walton
Ronald P. Wertheim
George W. Mitchell
Steffen W. Graae
Virginia L. Riley
Geoffrey M. Alprin
Stephen F. Eilperin
A. Franklin Burgess, Jr.
Nan R. Huhn
Bruce D. Beaudin
Rufus King III
Colleen Kollar-Kotelly
Robert S. Tignor
Noel A. Kramer
Emmet G. Sullivan
Robert I. Richter
Susan R. Holmes
Herbert B. Dixon, Jr.
Richard A. Levie
Curtis E. von Kann
Michael Lee Rankin
Harold L. Cushenberry, Jr.
Evelyn E.C. Queen
John H. Suda

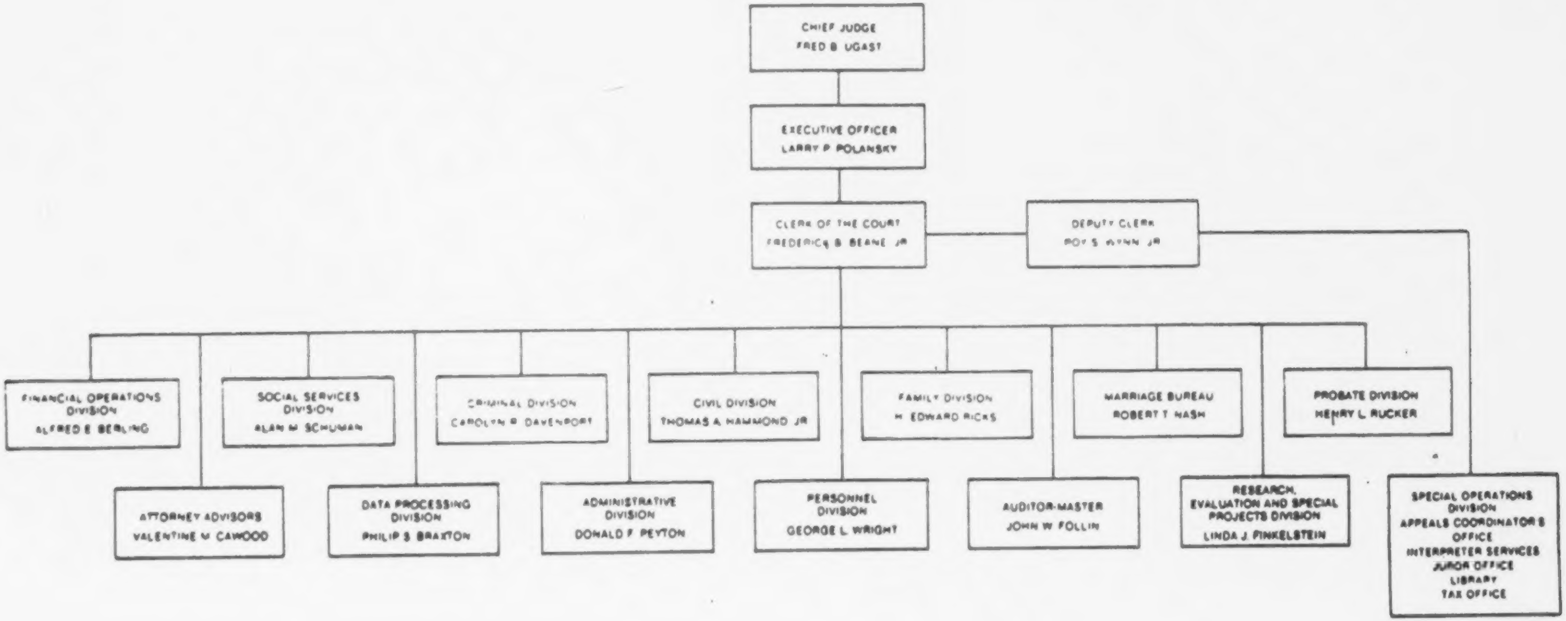
Senior Judges

Samuel B. Block
Leonard Braman
John F. Doyle
John R. Hess
Fred L. McIntyre
George D. Neilson
Nicholas S. Nunzio
Joseph M.F. Ryan
William S. Thompson

Clerk of the Court

Frederick B. Beane, Jr.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE STRUCTURE

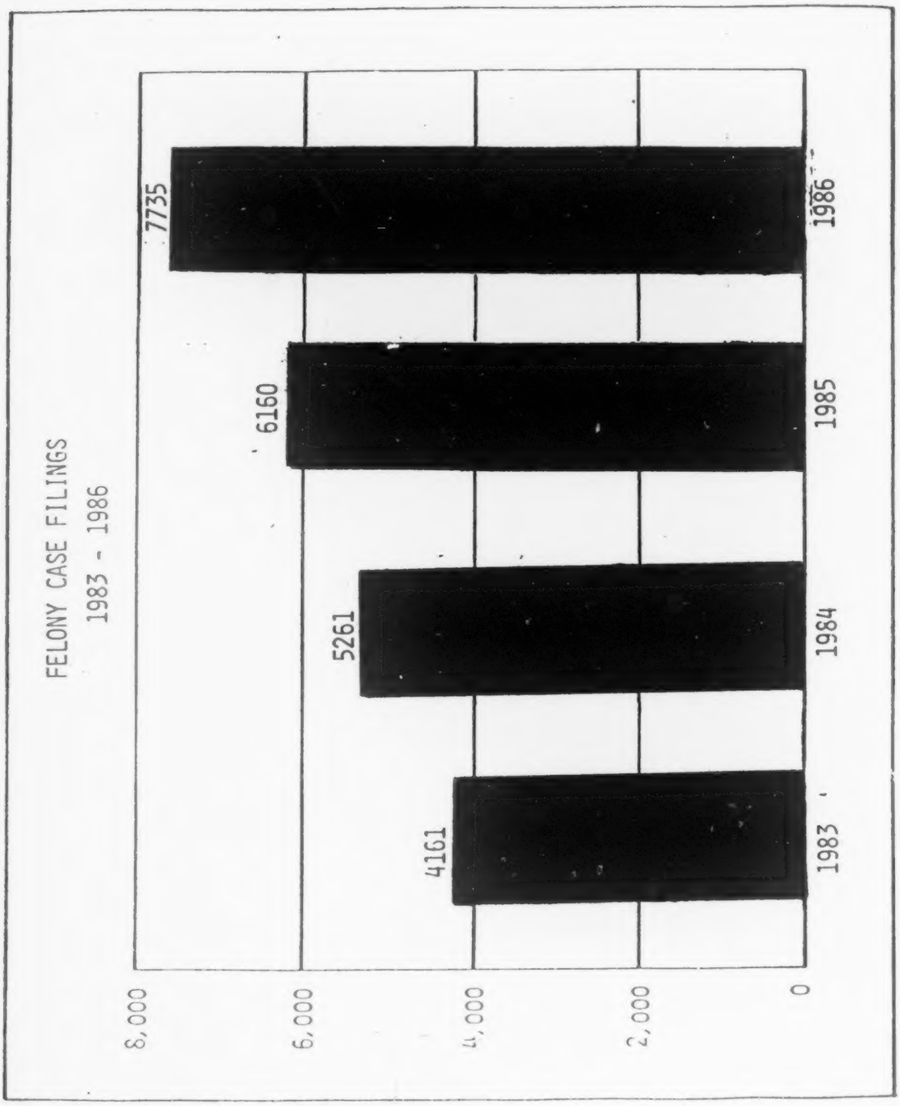

CHIEF JUDGE
FRED B UGAST
EXECUTIVE OFFICER
LARRY P POLANSKY
CLERK OF THE COURT
FREDERICK B BEANE JR
DEPUTY CLERK
ROY S WYNN JR
FINANCIAL OPERATIONS DIVISION
ALFRED E BERLING
SOCIAL SERVICES DIVISION
ALAN M SCHUMAN
CRIMINAL DIVISION
CAROLYN R DAVENPORT
CIVIL DIVISION
THOMAS A HAMMOND JR
FAMILY DIVISION
H EDWARD RICKS
MARRIAGE BUREAU
ROBERT T NASH
PROBATE DIVISION
HENRY L RUCKER
ATTORNEY ADVISORS
VALENTINE M CAWOOD
DATA PROCESSING DIVISION
PHILIP S BRAXTON
ADMINISTRATIVE DIVISION
DONALD F PEYTON
PERSONNEL DIVISION
GEORGE L WRIGHT
AUDITOR-MASTER
JOHN W FOLLIN
RESEARCH, EVALUATION AND SPECIAL PROJECTS DIVISION
LINDA J FINKELSTEIN
SPECIAL OPERATIONS DIVISION
APPEALS COORDINATOR'S OFFICE
INTERPRETER SERVICES
JUROR OFFICE
LIBRARY
TAX OFFICE

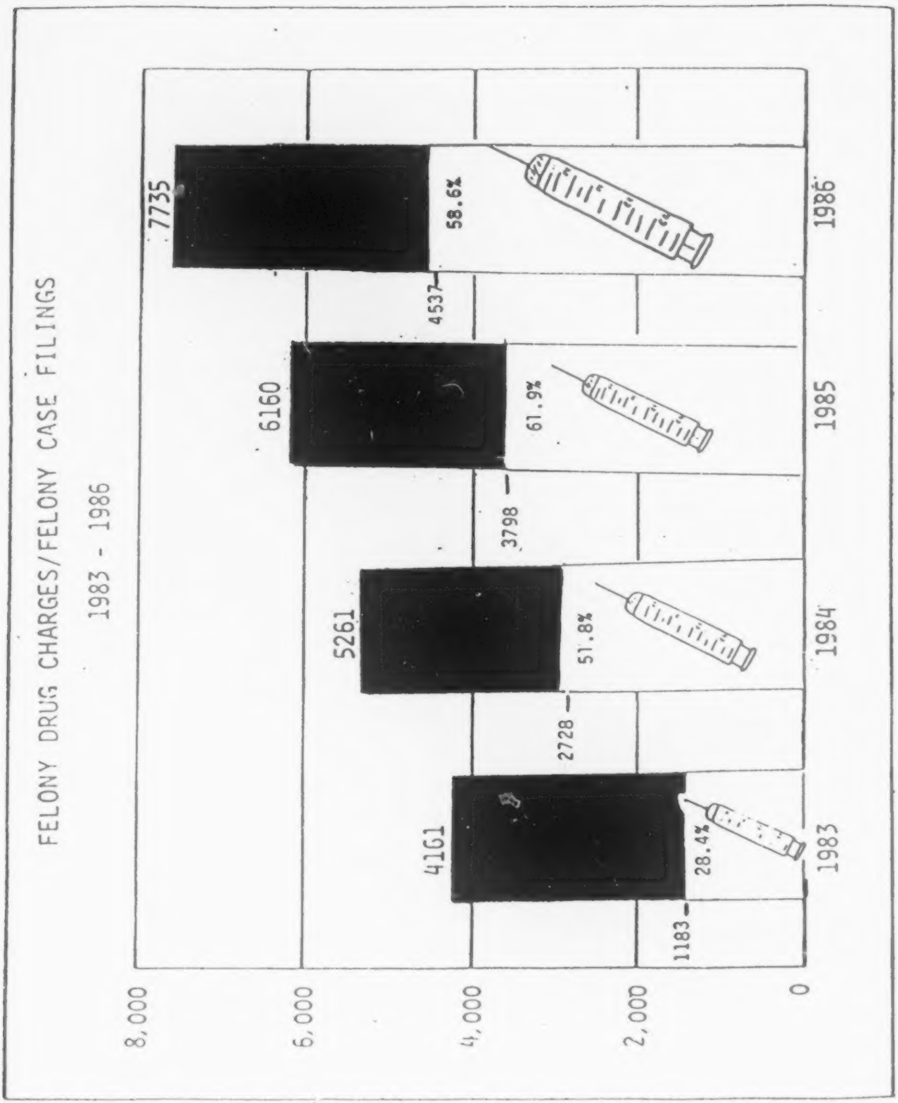
COMPARATIVE SUMMARY OF NEW CASE FILINGS

Division	1980	1981	1982	1983	1984	1985	1986	%Change 1985-1986
Criminal Division								
Felony Indictments	3,138	3,631	3,934	4,161	5,261*	6,160	7,735	25.6
Felony Preindictments	6,994	7,319	7,078	7,066	8,736	9,727	12,568	29.2
U.S. Misdemeanors	13,813	15,578	16,179	17,343	16,169	19,443	16,213	– 16.6
D.C. Misdemeanors	3,475	3,813	4,244	4,467	4,519	5,081	4,430	– 12.8
Special Proceedings	1,847	1,899	2,154	1,873	1,856	2,213	2,201	– 0.5
Traffic	9,410	8,413	8,348	10,297	11,606	12,440	12,585	1.2
Total	38,677	40,653	41,937	45,207	48,147	55,064	55,732	1.2
Civil Division								
Civil Actions	17,705	18,587	16,569	15,486	14,443	9,475	10,899	15.0
Landlord & Tenant	104,792	101,825	89,694	84,222	84,817	87,767	85,139	– 3.0
Small Claims	24,957	23,364	22,594	21,142	24,741	35,719	35,155	– 1.6
Total	147,454	143,776	128,857	120,850	124,001	132,961	131,193	– 1.3
Family Division								
Juvenile	4,731	4,323	4,012	4,129	4,264	4,492	4,690	4.4
Intrafamily	724	581	800	975	1,094	1,124	1,250	11.2
Neglect	590	436	432	470	492	456	494	8.3
Domestic Relations	7,888	8,733	8,143	8,487	6,059	8,270	8,413	1.7
Mental Health	—	823	1,527	1,596	1,646	1,560	2,104	34.9
Mental Retardation	—	283	712	26	40	73	21	– 71.2
Total	13,933	15,179	15,626	15,683	13,595	15,975	16,972	6.2
Tax Office								
Criminal Tax Cases	6*	8	5	—	—	—	—	—
Civil Tax Cases	201	77	94	135	166	207	160	– 22.7
Total	207*	85	99	135	166	207	160	– 22.7
Auditor-Master	1,679	436	130	116	66	81	77	– 4.9
Probate Division	2,885**	2,970**	2,849	2,829	3,014	3,296	3,283	– 0.4
Grand Total	204,835	203,099	189,498	184,820	188,989	207,584	207,417	– 0.1
Monthly Average of New Cases	17,070	16,925	15,792	15,402	15,749	17,299	17,285	– 0.1

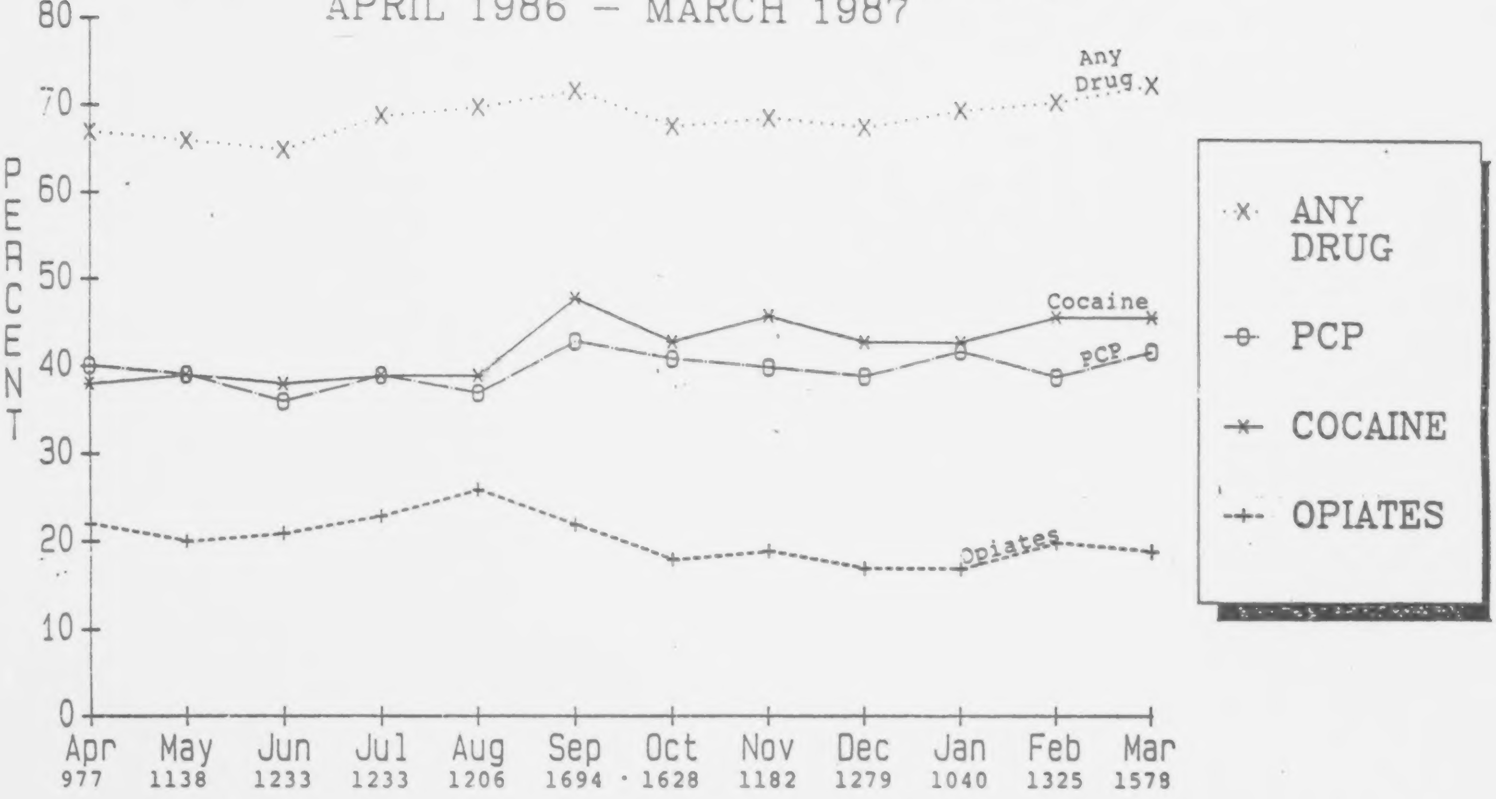
*Statistics for criminal tax cases reflect a change in method of counting cases

**Figures reflect an adjustment of – 303 cases for 1980 and – 816 cases for 1981


FELONY CASE FILINGS
1983 - 1986
8,000
6,000
4,000
2,000
0
4161
5261
6160
7735
1983
1984
1985
1986


FELONY DRUG CHARGES/FELONY CASE FILINGS
1983 - 1986
8,000
6,000
4,000
2,000
0
4161
1183
28.4%
1983
5261
2728
51.8%
1984
6160
3798
61.9%
1985
7735
4537
58.6%
1986

DRUG TESTING AMONG ADULT ARRESTEES
APRIL 1986 – MARCH 1987



Superior Cou[illegible] of the District of Columbia
Probationers Under Supervision at December 31, 1981 - 1986

	1981	1982	1983	1984	1985	1986	% Increase/Decrease 1985 - 1986	% Increase/Decrease 1981 - 1986
Adult	7,982	7,841	9,919	10,713	12,172	12,706	+ 5	+ 59
Juvenile	993	791	723	897	799	1,198	+ 50	+ 21
Total	8,975	8,632	10,642	11,610	12,971	13,904	+ 7	+ 55
Average # of Probation Officer Positions*	131	135	135	137	160	175	+ 9	+ 34
Clients Per Probation Officer Position*	69	64	79	85	81	84	+ 4	+ 22
Case Load Per Supervising Probation Officer								
Adult	**	129	163	143	160	159	- 1	+ 23
Juvenile	25	26	27	33	22	34	+ 55	+ 36

* Includes Diagnostic Probation Officer

** Data on the average number of probation officers handling the supervision case load is not available for 1980 and 1981.

MAJOR PROGRAMS

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

- ° CHILD SUPPORT ENFORCEMENT
- ° ONE TRIAL/ONE DAY JURY SYSTEM
- ° INTENSIVE PROBATION SUPERVISION PROGRAM
- ° JUVENILE INITIATIVES
    - SCREENING AND DIVERSION PROGRAM
    - INTENSIVE SUPERVISION JUVENILE RESTITUTION PROGRAM
    - FAMILY COUNSELING SERVICES
    - PURCHASE OF SERVICES FOR YOUTH UNDER COURT SUPERVISION PROGRAM
- ° DELAY REDUCTION
    - ELIMINATION OF UNNECESSARY DELAY IN ALL DIVISIONS OF THE COURT
- ° SENTENCING GUIDELINES
- ° ALTERNATIVE DISPUTE RESOLUTION
    - ARBITRATION
    - MEDIATION
    - SETTLEMENT CONFERENCES
    - SUMMARY TRIALS
    - "SETTLEMENT WEEK"
- ° IMPROVED AUTOMATED INFORMATION SYSTEMS
- ° DRUG TESTING AND MONITORING
- ° CONSTRUCTION
    - TO ACCOMMODATE THE SEVEN ADDITIONAL JUDGES, THE EXPEDITED CHILD SUPPORT ENFORCEMENT PROGRAM AND ARBITRATION CENTER
- ° INTERPRETER PROGRAM

SUMMARY OF THE AVERAGE DAYS TO DISPOSITION BY CASETYPE

Casetype	1980 Actual (Average Days)	1985 NCSC Sample (Average Days)	ABA Time Standards[a]
Domestic Relations	309[b]	257[c]	90
Civil II	578	662	360
Felony	121	224[d]	120
Misdemeanors (US)	242	80	30
Juvenile	56	73	30

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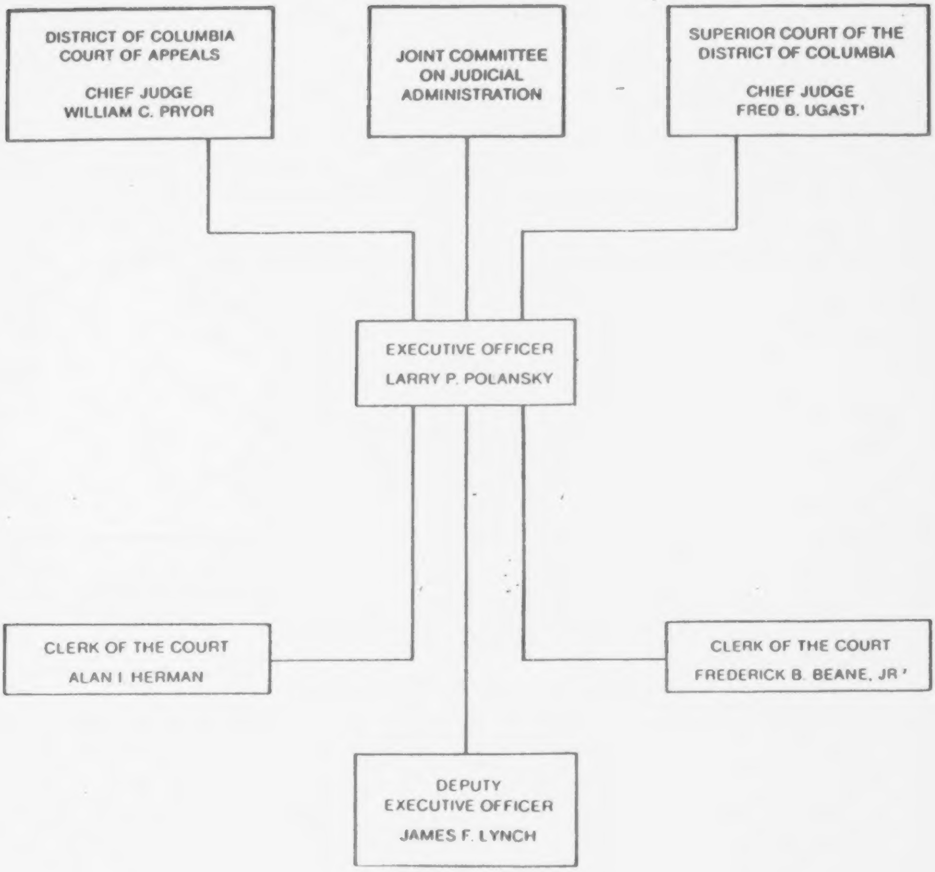
[a] ABA time standards are expressed as the number of days it should take to dispose of 90% of the cases.

[b] Contested domestic relations cases only.

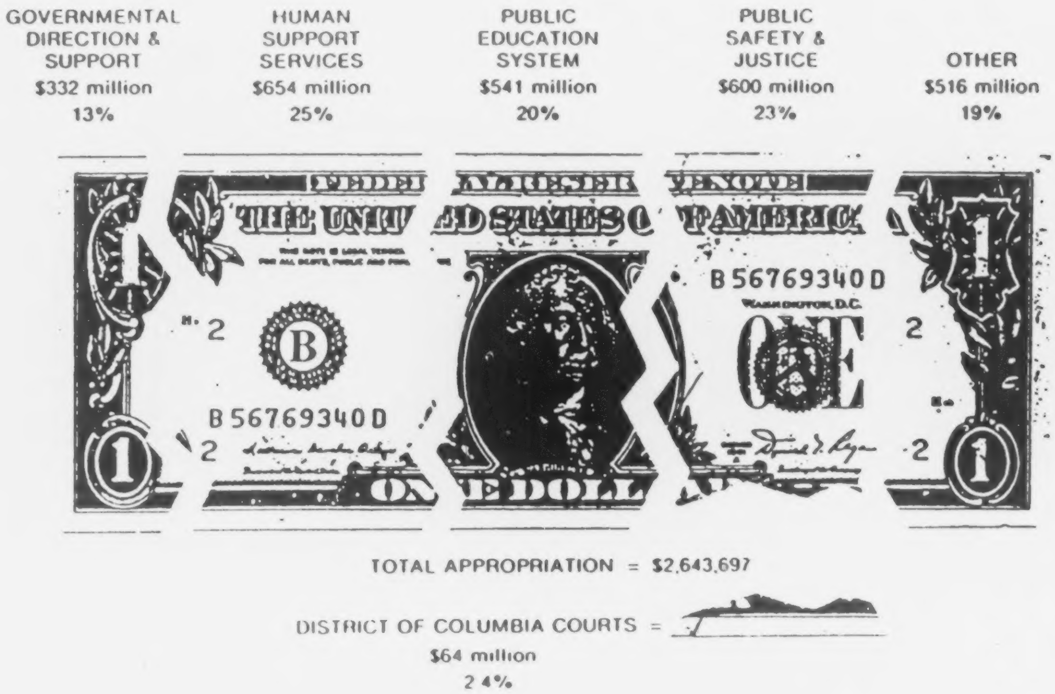
[c] Contested and uncontested domestic relations cases (divorce, support reciprocal support responding, and paternity)

[d] Felony indictments only.

DISTRICT OF COLUMBIA COURTS ADMINISTRATIVE STRUCTURE


DISTRICT OF COLUMBIA COURT OF APPEALS
CHIEF JUDGE WILLIAM C. PRYOR
JOINT COMMITTEE ON JUDICIAL ADMINISTRATION
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CHIEF JUDGE FRED B. UGAST[1]
EXECUTIVE OFFICER
LARRY P. POLANSKY
CLERK OF THE COURT
ALAN I. HERMAN
CLERK OF THE COURT
FREDERICK B. BEANE, JR.[2]
DEPUTY EXECUTIVE OFFICER
JAMES F. LYNCH

DISTRICT OF COLUMBIA OPERATING BUDGET
FY 1987*



*Source Volume I District of Columbia FY 1988 Supporting Schedules

EXHIBIT II

COMPARISON OF CJA DISBURSEMENTS AND FUNDING BY SOURCE, FY 1982 - 1987

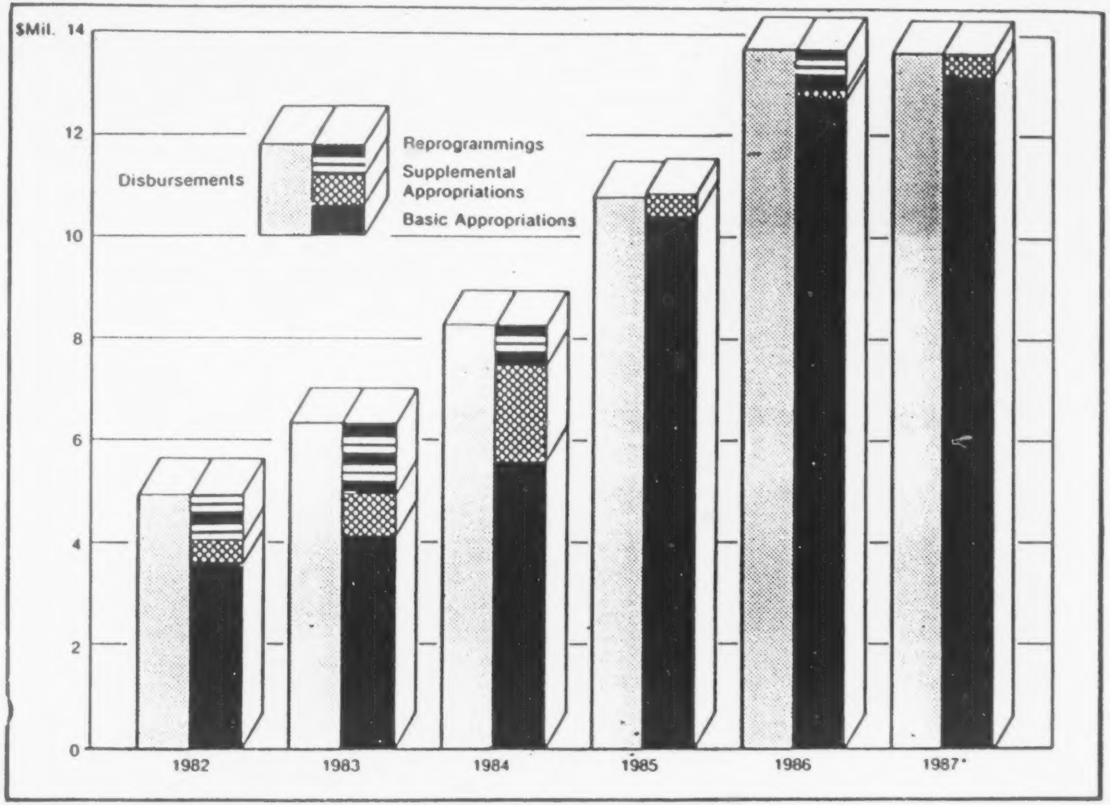
Under the provisions of the Criminal Justice Act (CJA) of 1974, the Courts are required to finance legal representation for adult indigents in criminal cases and for all indigent juveniles charged as delinquent or in need of supervision. Although the Public Defender Service provides some indigent services, the bulk of the appointments are to private attorneys serving under the CJA program. Expenses that must be covered, in addition to legal representation, include investigations, acquisition of transcripts, as well as expert services and other services necessary for an adequate defense.

Exhibit II reflects Criminal Justice Act appropriations and payments for Fiscal Years 1982 through 1987, including projections for reprogrammed monies and disbursements anticipated by the close of FY 1987. It seems clear that a pattern has been established whereby expenditure demands exceed funds originally appropriated, requiring that, each year, measures be taken to obtain supplemental and reprogrammed funding. The ever-mounting cost of operating the CJA program is dramatically illustrated in the accompanying graphic display.

	1982	1983	1984	1985	**1986**	1987
TOTAL DISBURSEMENTS	4,980,000	6,354,600	8,188,700	10,854,306	**13,661,972**	13,611,900*
TOTAL FUNDING BY SOURCE	4,980,000	6,354,600	8,190,000	10,862,000	**13,661,972**	13,611,900
Basic Appropriations	3,641,100	4,150,300	5,614,000	10,422,000	**12,760,000**	13,160,000
Supplemental Appropriations	458,500	749,700	1,828,000	440,000	**100,000**	451,900
Reprogrammings	880,400	1,454,600	748,000	—	**801,972**	—

* Projected amount.

COMPARISON OF CJA DISBURSEMENTS AND FUNDING
BY SOURCE, FY 1982 - 1987



* Projected amount for supplemental appropriations and disbursements

BOARD OF EDUCATION

STATEMENTS OF:
DAVID HALL, PRESIDENT, D.C. BOARD OF EDUCATION
FLORETTA D. McKENZIE, SUPERINTENDENT, D.C. PUBLIC SCHOOLS

ACCOMPANIED BY:
PATSY BLACKSHEAR, BUDGET DIRECTOR
WANDA WASHBURN, CHAIRMAN, COMMITTEE ON EDUCATIONAL PROGRAMS
LINDA CROPP, CHAIRMAN, COMMITTEE ON BUILDINGS AND GROUNDS

INTRODUCTION OF WITNESSES

Senator HARKIN. The subcommittee will now resume.

Just so I know everybody, would you please introduce yourselves?

Mr. HALL. Mr. Chairman, I am David Hall, president of the Board of Education.

Dr. McKENZIE. I am Dr. Floretta McKenzie.

Senator HARKIN. I have seen your picture on TV a lot.

Dr. McKENZIE. Dr. Patsy Blackshear is our budget director, D.C. Public Schools; Mrs. Linda Cropp is the vice president of the Board, and chairs the Committee on Buildings and Grounds, and also is a Ward 4 representative to the Board; and Wanda Washburn is the chair of the Committee on Educational Programs and a Ward 3 representative on the Board of Education.

Senator HARKIN. Thank you all very much. Welcome to the subcommittee and, as I say, your full testimony will be in the record and just go ahead and proceed as you wish.

STATEMENT OF DAVID HALL

Mr. HALL. Mr. Chairman, we will present to you the budget for the D.C. School System. I am pleased to appear before you this morning to present our budget for fiscal year 1988, which is $412,517,000.

In the amount that we are requesting, there is a memorandum of understanding between the Board of Education and the Mayor of our city and which was also approved by the City Council which provides for the Mayor to fully fund any pay raises which we negotiate with the bargaining units and, with the approval of this committee, those funds will be added to the budget through either a supplemental or intra-District transfer.

We are pleased that both the executive and legislative branches of our city government have granted full funding to the Board of Education, because it does allow us to lower pupil/teacher ratios at the elementary and secondary levels. It allows us to hire additional prekindergarten teachers; and we will be able to continue necessary building repairs.

In a few minutes, the superintendent is going to speak a little more in detail about the programs which are included in the budget, but let me say, Mr. Chairman, that our budget is the outcome of several years of planning. For each year in the past several years, we have sought to improve our system by adding an essential or improved program, and I have listed out in the statement some of those policies, programs and procedures which we have added in past years. So this budget continues in a developmental sense to build our system into what we wish it to be.

We have been planning each January for our system and in that planning, the superintendent, the members of the Board, the regional superintendents, select principals, and administrators, step back for just a few days to plan and project into the future what our needs are as they change from year to year, and we do that within a 5-year projected plan. In looking at the areas which have been improved and expanded over the last several years, you can see where we come from and also project where we hope to go. Programs and initiatives such as gifted and talented, a full-day prekindergarten across the city, increased support for non-English-speaking students in our city, computer-assisted educational programs, computer management system for individual schools, hotel management, banking and finance, engineering, health sciences, culinary arts, were all added in an effort to make the D.C. school system competitive with, and in some ways ahead of, school systems in the surrounding jurisdictions.

We have reduced pupil/teacher ratios for special education students and have implemented a teacher incentive program which is designed to improve the quality of teaching and learning for students. We have provided security guards and expanded security aides in our schools in order to ensure a safe, secure, and appropriate instructional environment. Last year we focused on capital improvements to our school facilities and the need to increase the level of maintenance and repair.

This year we have begun to reduce the pupil/teacher ratio for English and mathematics teachers, and in last year's budget we increased our counselors at the secondary school level.

STUDENT/COUNSELOR RATIO

Senator HARKIN. What is that ratio now, do you know?

Mr. HALL. It is 400-to-1.

Senator HARKIN. 400-to-1.

Mr. HALL. For secondary school counseling.

Senator HARKIN. For secondary school counseling.

Mr. HALL. Yes.

PUPIL/TEACHER RATIOS IN ENGLISH CLASSES

Dr. McKenzie. For English, we are making the effort to move to 1-to-20 for our secondary English classes.

Senator Harkin. The reason I asked that question is because of the obvious growing numbers of non-English-speaking people who are coming into the District of Columbia and I was wondering how——

Dr. McKenzie. We have special classes for those: English as a second language, we have a special cadre of teachers to help them with English. We are concerned that too many students graduate without requisite skills in English and mathematics. The school system's achievement seems to be highest at the elementary level and we are showing some improvement in the junior high level. So to catch those students who get to the senior high school without those English and math skills, we determined with the Board's support to reduce the class sizes in English and mathematics for our regular students and then work with those with limited English ability with another cadre of special teachers.

Senator Harkin. Excuse me, I just wondered.

FULL FUNDING FOR SCHOOL SYSTEM

Mr. Hall. This is the first year that our city executive has come forward and recommended the full budget which we have requested. We are pleased in that regard, because it acknowledges that we have succeeded in convincing our city leadership that the hope of our city really rests upon education and training, rather than trying to catch up through the correctional system and the Department of Human Services budget.

Those budgets have driven the city planning in the past. Our argument has been, and I think this year was well received, that the education budget should take a much higher place in the overall city's budget priorities. That allowed us this year to receive full funding for the first time since in over 30 years.

Full funding alone, however, is not the answer to our problems. The Board of Education and our superintendent now must use the resources which have been allocated to us to move toward what I consider the real progress that our city has to make. That comes from securing a commitment from the people who live in our city, from our parents and from our city leaders, to set the direction for our children and youth.

PARTNERSHIPS WITH THE SCHOOL SYSTEM

Schools do not exist in a vacuum. They are an integral part of the social fabric of a community. What the community's elected officials, leaders, business persons, parents, the media, and the like believe and think will affect the attitudes of the young people of our community. In this fiscal year, we will attempt to shape a systematic approach to values, and education with moral, ethical, and responsible citizenship as an outcome of such instruction.

We will also attempt to involve our parents far more than ever before in the process of shaping the city's youth. We as Americans have a public right to a free quality education. In our system of democracy, that public right is balanced by individual responsibility. The courts, the media, and the Board of Education have in the past enforced and required acknowledgement of the public right to this education. We must now find the balance that good government requires in seeking the limits of individual parental responsibility. Toward that goal, the Board is asking that parent groups and community organizations join us in planning a citywide conference for parents, to be held in September 1987, to coincide with the opening of our coming school year.

At that conference, we are hopeful that our PTA's, the Parents Group Fund, the Children's Defense Fund, and other advocacy organizations for children will also support us in seeking to define parental responsibilities more clearly, so that our schools are supported more strongly by parents.

We currently enjoy strong support from the police department, we are getting better support from the U.S. Attorney's Office, and the Department of Human Services. In some of our schools we are not getting as much support as we need from parents if we are going to be able to shape the total person and bring forth a citizen, and not just a graduate.

I do appreciate the opportunity to appear before you today. Dr. McKenzie will provide you with more information, certainly in more detail, on the programs which are included in the fiscal year 1988 budget.

Thank you.

Senator HARKIN. That is a good statement. You raise some questions in my mind and I will get to those after we hear from Dr. McKenzie.

STATEMENT OF SUPERINTENDENT FLORETTA MCKENZIE

Dr. MCKENZIE. I will be very brief in sharing with you some of the major efforts that we undertook in our 1987 budget and the major programs that we address in the fiscal year 1988 budget.

I would like to leave with you a copy of our annual report where you get a fuller picture of the school system through that and a little brochure describing a program that was funded through this committee called Career Enrichment Program, where we attempt to deal with youngsters in the upper elementary and junior high school grades by providing them information about careers so that they can have a sense of or connection between what you learn in school and what you do after you leave school. For so many youngsters to see that relationship is tremendously important to prevent them from dropping out.

We are pleased to come before you, Senator Harkin in your new role as chairman of this committee. Now, the fiscal year 1987 budget—that is last year's budget—provided us an opportunity to build on some of the success we had had previously. As the president mentioned, we implemented the second phase of a full-day prekindergarten program, we lowered the class sizes for special education students and expanded opportunities for some of the more severely handicapped to have year-round programs, reduced our counselor-student ratio in secondary schools, and lowered class size in math and English. We hope to continue that this year.

We also started a 5-year writing initiative to try to improve the skills of youngsters in writing. We have maintained our bilingual programs, even in spite of federal reduction of funds in that area. We have expanded teacher incentive measures, trying to get maximum productivity from teachers. We have also tried to work in a cooperative way with city agencies.

For example, this year we have initiated fire and police cadet programs. We also have a very special program with the Department of Employment Services where we are seeking to place each graduate of a post-secondary program in a job or a job training program upon graduation. We continue to have very cooperative relationships with departments such as Recreation and Housing, and with programs initiated by the president of the Board.

HOMEWORK CENTERS IN PUBLIC HOUSING FACILITIES

We have a study homework center in the Housing department and we hope to expand it into other public housing buildings.

Senator HARKIN. You say a homework center for housing projects?

Dr. MCKENZIE. Yes, a public housing project.

Senator HARKIN. One room dedicated to tutoring?

Dr. MCKENZIE. Exactly.

Senator HARKIN. Students go there with their parents and that kind of thing?

Dr. MCKENZIE. With or without parents.

Senator HARKIN. Is there a tutor there?

Dr. MCKENZIE. Tutors, materials, a library, and computer-assisted instruction.

Senator HARKIN. How many of these do you have?

Dr. MCKENZIE. We have one. We are preparing to put two more in public housing.

Senator HARKIN. How long have you had that one?

Dr. MCKENZIE. About 6 to 8 months now.

Senator HARKIN. Is it working?

Dr. MCKENZIE. It is working extremely well. It is very well received by the students there.

Senator HARKIN. And I assume it is an evening kind of a thing, is that right?

Dr. MCKENZIE. It begins after school and continues up to about 9, 5 to 8:30 p.m.

Senator HARKIN. What kind of tutorial services are available there at that time?

Dr. MCKENZIE. We have teacher support there as well as volunteers.

Senator HARKIN. Do you have equipment?

Dr. MCKENZIE. Equipment, yes, learning materials, some kind of fun learning materials, as well as, to help with the homework.

Senator HARKIN. And this is sponsored by——

Dr. MCKENZIE. Two or the three will be sponsored by Riggs Bank and one will be sponsored by the public schools.

Senator HARKIN. I am interested in this. Now, you say you are going to try to get two more here shortly?

Dr. MCKENZIE. Yes.

Senator HARKIN. By this fall?

Dr. MCKENZIE. Yes.

Senator HARKIN. And what has Riggs Bank got to do with it, they are putting some money into it?

Dr. MCKENZIE. Putting some money in.

Senator HARKIN. For what, the equipment and the like?

Dr. MCKENZIE. Right.

Senator HARKIN. But how do you pay for the other operational expenses? I know you have volunteers, but——

Dr. MCKENZIE. The school system budget provides support.

Senator HARKIN. The school budget provides some support for it?

Dr. MCKENZIE. Yes, teacher time.

Senator HARKIN. Do you think it might have some applicability beyond the housing projects.

EXTENDING HOMEWORK CENTERS TO OTHER FACILITIES

Dr. MCKENZIE. Probably in other community places and recreational centers. We already have a very fine relationship with the public libraries. We think they could be a setting for homework centers.

Senator HARKIN. I do not know about the public library system. Is it widely dispersed?

Dr. MCKENZIE. They have some locations throughout the city and some in the areas where youngsters would need that kind of support. They are open at hours that would lend themselves to a homework center approach. So this is one of our new initiatives and we are very excited about the possibility of reinforcement throughout.

Senator HARKIN. I would be interested in following that.

FISCAL YEAR 1987 PROGRAMS

Dr. MCKENZIE. OK. We also had additional funds to try to bring our buildings up to reasonable standards. We have had tremendous deterioration and so we are very pleased about being able to work in that area.

We see some positive results in improved achievement on the part of students as well as the increased number receiving scholarships to college. We are pleased with some of the accomplishments, but we recognize that there is still much work to be done in helping more students to reach acceptable levels in reading, mathematics, and writing and also enabling them to have real skills to enter the world of work.

HIGHLIGHTS OF FISCAL YEAR 1988 BUDGET REQUEST

With this year's budget, we will complete that prekindergarten program, making all-day programs available throughout the city. We will be able to lower our pupil/teacher ratio in kindergarten, first and second grades to 20-to-1. We are trying to make sure that youngsters have that personalized attention on the part of teachers so that they will get those fundamental skills so they can move forward.

We will also be able to continue special ed programs where we have lost federal funding. We also are making the effort to improve the quality of textbooks. Some have been outdated and some not available, but with the coming budget we will be able to more closely meet a goal of having a textbook available to the students in each of the course subjects.

We want to expand our programs for gifted and talented, particularly some advanced placement courses at the senior high school level.

We are looking forward to implementing comprehensive computer applications not only for the instruction of students but for the management of the school system, and this budget will speak to some of that.

We expect to continue our preventive maintenance program and get our buildings—some of them are very old—get them looking better so that youngsters will feel that this is an environment where they want to be and is conducive to education.

In summary, the fiscal year 1988 budget will allow the school system to maintain a pace of progress and hopefully accelerate. We are concentrating on at-risk students, providing services for them, and we are encouraging and promoting quality teaching through teacher incentives; and we are seeking to provide a full range of educational opportunities for that diverse student body that we serve.

We would be pleased to respond to questions or other inquiries that the chairman might have.

SUPPORT OF THE MAYOR AND CITY COUNCIL

Senator HARKIN. You say that this request for $412.5 million is 6.8 percent higher than the fiscal year 1987 budget? You say that this is supported by the Council and by the Mayor?

Dr. McKENZIE. Yes.

Senator HARKIN. They are all supportive.

Dr. McKENZIE. The only missing ingredient would be the pay raises that we will negotiate.

Senator HARKIN. I understand, but that will be negotiated I assume this summer, right?

Dr. McKENZIE. Yes. We are starting that process now.

Senator HARKIN. Will this be enough to carry you through until a supplemental can be provided.

Dr. McKENZIE. This indeed will carry us through with some of those improvements that I have described to you.

Senator HARKIN. Thank you very much.

Does anyone else have anything that they wanted to bring up here at all, any observations?

[No response.]

PROGRESS MADE BY THE PUBLIC SCHOOLS

Let me just make a couple of observations. First of all, I want to congratulate you and all of those who have worked with you and your School Board for the really marked increase in the test scores that have happened in the District of Columbia over the last several years. I do not need to tell you what everyone had been saying for many years around here about the quality of education in the D.C. public schools, how bad it was.

But I can tell you that that attitude has changed. People are now saying that great progress has been and is being made in the public schools of the District of Columbia. So you are to be congratulated. I would say you have to keep going, there are still things to do, but there has been great improvement and so these things can change with the involvement of good people and with the proper amount of resources, great changes can be made.

I met just yesterday with the school board from the city of Des Moines, the capital city of Iowa.

Obviously, there is a little bit of a difference. I mean your School Board is a school board that would be comparable to a school board that would be the state board of public instruction and you, being the Superintendent of Schools here, would be like our state superintendent of schools.

Dr. McKenzie. Right.

STUDENT ENROLLMENT

Senator Harkin. How many students do you have?

Dr. McKenzie. Approximately 87,000.

Senator Harkin. 87,000.

Dr. McKenzie. I know Bob Benson very well. I visited the state of Iowa several times.

PREKINDERGARTEN PROGRAMS

Senator Harkin. I am interested in this preschool program. You say that it has been a 3-year phase-in program?

Dr. McKenzie. Yes.

Senator Harkin. And it is fully implemented now.

Dr. McKenzie. The fiscal year 1988 budget will provide for full implementation. We feel that we have got to intervene in the lives of so many of our youngsters as soon as we can. Some have good programs to get them ready for school, but a large number of them do not have that kind of early childhood involvement. So the Board decided that we would implement full-day prekindergarten programs with a curriculum designed just for that age group.

Senator Harkin. When can they start, the year before? Can they start at age 3?

Dr. McKenzie. Age 3, if they become 4 years old by December 31 of the current school year.

Senator Harkin. Age 3.

Dr. McKenzie. Yes. I do not know how many months.

Senator Harkin. And it is a full day?

Dr. McKenzie. A full day.

Senator Harkin. I am still wondering how is it working?

Dr. McKenzie. We have 96 full-day prekindergarten programs, 16 half-day prekindergarten programs, and 6 Head Start programs. In this coming school year, we will have 116 full prekindergarten programs with teachers and some aides. We have recently developed a curriculum for what they should learn about reading, science, mathematics, and the kinds of play activities that help them in learning.

Senator Harkin. And you are using the existing school facilities for it?

Dr. McKenzie. That is right.

Senator Harkin. You have a dedicated room or a couple of rooms or whatever that might be?

Dr. McKenzie. That is right.

Senator Harkin. Who are the teachers that teach this?

Dr. McKenzie. They are teachers who are trained in prekindergarten education.

Senator Harkin. Are they fully certified teachers?

Dr. McKenzie. Yes; some are fresh out of college and they work with master teachers. They have a mentor teacher to work with them, to observe, and to demonstrate proper teaching strategies, classroom management, and motivational activities. It is a fully developed program for early childhood programs for that age group.

Senator Harkin. They start at age 3. Now, how many kids do you have in this program? You say you are going to have 116 programs.

Dr. McKenzie. No; we have 112 instead of 116 programs.

Senator Harkin. 112 programs?

Dr. McKenzie. That is right. That is 3,405 children, and we will have 3,558 next year.

Senator Harkin. In this prekindergarten program?

Dr. McKenzie. That is right.

Senator Harkin. Can you give me some idea of what you have, just off the top of your head, what percentage of the total prekindergarten kids in the District of Columbia.

Dr. McKenzie. We estimate that of the eligible prekindergarten students in the District approximately two-thirds are enrolled in the school system.

Senator Harkin. That is very good.

Dr. McKenzie. We are very excited about it.

Senator Harkin. How do they get there, by bus or do you have——

Dr. McKenzie. They are neighborhood programs. The Recreation Department, of course, has some programs. There are still some separate independent Head Start programs and of course some day care programs, but these youngsters come in the neighborhood.

In some instances there are before-school-care programs and after-school-care programs so they can stay until the parents come from work. Our program is designed from 9 to 3.

Senator HARKIN. In the three before school? What do you mean 9 to 3? I do not understand.

Dr. MCKENZIE. From 9 to 3 p.m., that is the regular school program, but some students have a tag on them for before and after programs.

HEAD START PROGRAM

Mr. HALL. I want to say, Mr. Chairman, that one of the pieces of information which came from the Johnson era experimentation was a report done in 1985 which reflected that children who participated in the Head Start Program beginning in 1965 had benefited from the programs and 20 years later were doing much better than those who had not taken part in the program.

Senator HARKIN. You are talking about the Head Start Program?

Mr. HALL. The Head Start Program, yes. Many of the states really had not grasped that important piece of information. We thought it was important, because it would provide a positive benefit for the children in that particular jurisdiction. So the Board decided to require and provide for citywide prekindergarten classes and to phase it in over a 3-year period, with the final one-third going into effect this year.

What we are hoping is that if the reports which were done on students who participated in the model school program of the sixties were to be duplicated here, it would mean that by 1995 to the year 2005 the graduates who are coming into our system now would be, we think, far more capable, far more competent and, if the studies hold, will be doing much better after their school years in later life.

Senator HARKIN. No doubt about it at all. But you have how many Head Start programs, six, did you say?

Dr. MCKENZIE. There are 23 in our schools. We house some. We have presently 96 full-day prekindergarten and 16 half-day prekindergarten programs. Next year we will have over 112 full-day prekindergarten programs. The youngsters who are already registered represent more than half of our first grade enrollment. Our first grade enrollment is 7,800, but we are experiencing growth in the population there.

Senator HARKIN. It is almost like a day-care program for the parents to obviously drop their children off there in the early program——

Dr. MCKENZIE. That is right, and we get some support from the Department of Human Services for a number of those programs.

Senator HARKIN. Yes.

Dr. MCKENZIE. So it is kind of a structured learning opportunity and it gives parents who are less affluent an opportunity for their youngsters to get a head start, too. It will help us later on to improve our achievement because these youngsters will start learning and be ready for the kindergarten and first grade experiences.

MONTESSORI PROGRAMS IN THE SCHOOL SYSTEM

Senator HARKIN. Well, I would be interested in the preschool. It has been shown that kids who take preschool obviously are way ahead of those who do not. They do much better. Let us face it, kids when they are at that age, they are just like a sponge, they just soak up things and learn and want to learn.

Of course, I have a special affinity for the Montessori teaching methods for young kids. Montessori has been basically in private schools. I do not know, I suppose there are some Montessori schools in the District, I do not know.

Dr. McKENZIE. We have two Montessori programs within the school system.

Senator HARKIN. Oh, you do?

Dr. McKENZIE. Yes.

Senator HARKIN. Now you have got me interested. [Laughter.]

Now you have really got me interested. Now, tell me about that?

Dr. McKENZIE. Well, they are located in the Burroughs and Fort Lincoln Elementary schools, with very strong involvement. It is a school-within-a-school program.

Senator HARKIN. But it is preschool?

Dr. McKENZIE. No; in fact they go up to about fourth grade.

Senator HARKIN. OK. But you do not start with the Montessori—these are just kids——

Dr. McKENZIE. We start with Montessori preschool and with that same group of students we go up to the fourth grade.

Senator HARKIN. I understand that. So in that program there are preschool?

Dr. McKENZIE. Yes, there is preschool, kindergarten, first, second, third, and fourth grades. They are located with——

Senator HARKIN. Fort Lincoln?

Dr. McKENZIE. Fort Lincoln Elementary School.

Senator HARKIN. Where is that?

Dr. McKENZIE. In the Fort Lincoln development off Bladensburg Road.

Senator HARKIN. OK.

Dr. McKENZIE. South Dakota and Bladensburg Road NE.

Senator HARKIN. Where is the other one?

Dr. McKENZIE. Burroughs Elementary, at about 18th and Monroe Streets, near Catholic University.

Senator HARKIN. And how long have they been operating?

Dr. McKENZIE. About 6 to 8 years.

Senator HARKIN. What has been the experience with it?

Dr. McKENZIE. The experience is that——

Senator HARKIN. Obviously, you have got some kids——

EVALUATION OF MONTESSORI PROGRAM

Dr. McKENZIE. We have just done an evaluation. The students in those schools do well altogether. The students in the Montessori programs have not done considerably better than the other students in those two schools; but the parents like that method of instruction, and we provide the teachers who are skilled in the Montessori method. So one of the reasons we have not expanded particularly in those two schools is because in testing we found that those students have not done significantly better than the others, but it is an option for parents who want that type of instruction.

Senator HARKIN. Is that right?

Dr. McKENZIE. Right.

Senator HARKIN. My reading of this and what I have seen in some data before shows that the opposite has been the case in other Montessori environments with kids.

Dr. McKENZIE. We just did the evaluation. We did an independent evaluation and we just sent that to the chair of the Education Programs Committee, because the parents have asked for a separate school. It makes it a little difficult to impose that on other parents who might not want it because the study is showing that in those two schools the children who are not involved are doing just as well as the ones who are in the program. The other ones are doing well, too, so they both are doing well. The parents like the discipline of it and they like their involvement and instruction. It is likely that we will continue, but I do not know about expanding.

Senator HARKIN. This is not the time for it, but I do not know that we have any Montessori things in Iowa anywhere in the public schools, I do not think we do, and this is one of the first that I have known—there are some around the country in various jurisdictions, but I was unaware that you have two in the public school system here.

BEGINNING OF MONTESSORI PROGRAM

Dr. McKENZIE. Yes.

Senator HARKIN. I just wondered what your experience was I am curious about the testing, because if you have had it for 6 to 8 years, that means that those who may have started at age 3, you would have brought them in at about age 3 then, too——

Dr. McKENZIE. It started prior to my tenure as superintendent.

Senator HARKIN. How long have you been superintendent?

Dr. McKENZIE. Six years, July 1.

Senator HARKIN. So prior to that?

Dr. McKENZIE. That is right.

Senator HARKIN. Seven years, 8 years, so those who would have started at age 3 in that, is that the starting point?

Dr. McKENZIE. They were probably about age 5. They started in kindergarten. We just started the prekindergarten programs lately.

Senator HARKIN. Oh, so what you are saying to me is that the testing of those students that were in the Montessori program started in kindergarten through four.

Dr. McKENZIE. That is right.

Senator HARKIN. It has not been much different from those who just started normal kindergarten?

Dr. McKENZIE. That is right.

Senator HARKIN. I see. Now I see.

Dr. McKENZIE. What I am saying to you is those are good schools, so maybe in another setting it might be different. In these two elementary schools the youngsters who are in and the youngsters who are not, they are doing about the same.

COMPARISON OF MONTESSORI PROGRAM WITH OTHER PROGRAMS

Senator HARKIN. Have they done any better than students systemwide?

Dr. McKENZIE. Those at Fort Lincoln have probably the highest attendance of any school, elementary school or any school in the District. They are about 98 to 99 percent, and their test scores are above the national norm. The Fort Lincoln and Burroughs are two of our fine elementary schools.

Senator HARKIN. I guess what I am saying is that I think the Montessori, to really be effective, it must start at about age 2½ to 3.

Dr. McKENZIE. Yes.

Senator HARKIN. Are they doing that now in those schools, the Montessori preschool——

Dr. McKENZIE. They are doing a preschool. I must say that our elementary program is a structured program also, so there is not going to be much difference. That is probably the reason why we are having success in our elementary program. It is a very structured instructional program that is required throughout the city. There are some differences in the Montessori program, in the materials and in the methodology, but our own instructional program is very structured, too.

Senator HARKIN. I do not think Montessori has much effect beyond first and second grade. Where it really has effect is in the preschool, 3 years old, when you get them right at about 3 years old, because, as you say, because of the materials and the methodology.

Dr. McKENZIE. Right.

EXTENDING MONTESSORI PROGRAM TO OTHER SCHOOLS

Senator HARKIN. I would like to see if you have any plans to implement an early Montessori type of thing. I would like to see it in one of the other schools. You picked two of the best schools, you say.

Dr. McKENZIE. Yes.

Senator HARKIN. I would like to see if it would be possible to initiate this, if you can get support, in one of the other schools in conjunction with this prekindergarten program that you have and to run a test, just to implement it some place in one of these schools where the prekindergarten program would be a Montessori program.

Dr. McKENZIE. We will take a look at that.

Senator HARKIN. I wish you would. I just have some strong feelings about that, again because the methodology and what it does for these kids when they are at that age, I think beyond that it really does not have much——

Mr. HALL. I think the chair of our Education Programs Committee, Ms. Washburn, has some feelings as well.

COMPARISON OF MONTESSORI PROGRAMS

Ms. WASHBURN. Senator, I happen to have had a daughter who started in the Montessori program. She did 3 years of Montessori in the D.C. Public Schools and in those days we only had half-day kindergartens. That was some time ago. She is now in college. As you probably know, the history of the Montessori movement in the United States is split down the middle because you have two different aspects of Montessori teaching in the United States. You have the old lady's way perpetuated by her grandson, and then you have the American Montessori system which is a more modernized Montessori program from the strict, more rigid Montessori program. My daughter happened to go to one of the more strict Montessori programs.

Senator HARKIN. The old type.

Ms. WASHBURN. The old type, yes. She attended the oldest Montessori program in the District of Columbia, which is Saint Aidan's Montessori on Military Road. She had no trouble moving into the first grade in the D.C. Public Schools. I was a little worried at that time. All Montessori parents are imbued with the philosophy and therefore begin to buy into this idea that Montessori is the only way for the kid to progress. My daughter did very well in the D.C. Public Schools and that was even before the day of the competency-based curriculum. Now that we have the competency-based curriculum in place, that is the discipline that follows through from the 1st grade to the 12th grade. I believe that it probably provides us with better upper grade exposure for our kids than anything that a Montessori program provides beyond the prekindergarten level.

Senator HARKIN. You are talking about after that.

Ms. WASHBURN. That is right.

Senator HARKIN. I am still focusing on the prekindergarten.

Ms. WASHBURN. The prekindergarten program that we have prepares our children to move into any kind of an educational program at the first-grade level. They are well prepared, whether it is a Montessori program or our own prekindergarten program. There really is not that much difference today in the way we approach the early childhood training, particularly using the AMS system.

We are taking a look at these two programs, particularly in light of the research. There is heavy pressure on the parents who have their children in that program to proceed. I prefer to proceed with caution and make sure that it conforms to our comprehensive plans and goes all the way through.

Senator HARKIN. What?

REQUEST TO EXTEND MONTESSORI PROGRAM BY PARENTS

Ms. WASHBURN. They want to extend the Montessori program all the way through the eighth grade.

Senator HARKIN. Who are they, the parents?

Ms. WASHBURN. The Montessori parents.

Mr. Hall. Parents.

Senator HARKIN. I see. Again, I am telling you my own feeling about this. I do not think that is that important.

Ms. WASHBURN. I agree.

Senator HARKIN. You think it is important to expand the Montessori program?

Ms. WASHBURN. No, no, I do not think it is important.

Senator HARKIN. I agree with you. I do not think so either, but again I——

Mr. HALL. There are parents who consider it important.

Senator Harkin. I think it is important to take a look at that because of the methodology.

Dr. McKENZIE. We will take a look at that.

Senator Harkin. I wish you would look at it and see if there is any possibility and if I can give you any help, I will give you some help, if it requires some additional resources.

INVOLVEMENT WITH THE JUVENILE JUSTICE INITIATIVE

The District budget contains a juvenile justice initiative and is there is a school's role in this?

Dr. McKENZIE. Yes; there is a school's role in this juvenile justice initiative. We have dedicated two staff persons to this initiative as well as some programmatic response. We have one staff person to handle the transfer of records between the juvenile justice system, the courts, and the school system. Then we have another person dedicated to helping students with reentry into the school system from the juvenile justice system. We are providing support with certification of teachers and with the curriculum. We also have taken responsibility for education at the receiving home. We are also providing a team to monitor placement of students in private settings outside of the city that are paid for by the city, as well as assessing the quality of the special education programs delivered at Oak Hill. So we are very much involved in the juvenile justice initiative.

Senator HARKIN. I might want to submit other questions to you and you can respond to them in writing.

Dr. McKENZIE. Surely.

FEEDING PROGRAMS IN THE PUBLIC SCHOOLS

Senator HARKIN. There is only one other one I wanted to bring up. I also chair the Nutrition Subcommittee on the Agriculture Committee of the Senate. Now, on the House side, where I served for 10 years, that

Nutrition Subcommittee only dealt with food stamps, and the school lunch program, and the breakfast feeding program and everything else was the education, but now I have jurisdiction over that in my subcommittee here, and it is an area of great interest to me.

I have been on that subcommittee on the House side for a long time and it is my intention this fall, to have some hearings of the Nutrition Subcommittee dealing with child nutrition, preschool programs—I do not know if I will go clear down to the WIC Program, but probably things focusing on summer feeding programs and what the school's involvement might be on the summer feeding program.

Dr. McKENZIE. We do have involvement. We feed during the summer as well as work with other agencies with senior citizens. We are the state agency when it comes to feeding. Eighty-three percent of our youngsters are eligible for free or reduced-price lunches, 83 percent. The board has kept the cost of the lunch very low, less than 50 cents, so that we can make sure that our youngsters are provided for; and those who have to purchase, they can buy at a very low cost.

We are concerned about the amount of sodium, sugar, and fat in our lunches. There has been some media attention lately on Channel 4 and we are a little shocked at some of their testing. For areas where we——

Senator HARKIN. I did not see this. What was this, on sodium?

Dr. McKENZIE. It was on Channel 4, and it talked about sodium in the pizza and the fat content of the pizza. While we get a lot of surplus items, there is some fat content in the hamburger that we get. So this is a period of high visibility for us but we do try to deliver a very good meal. For our extended programs we not only provide breakfast but we provide some snacks for the prekindergarten. They get a snack of fruit and a cookie and milk or juice in the afternoon. It is one of our most important programs and we try to give it a lot of attention.

SCHOOL FOOD ADMINISTRATOR

Senator HARKIN. Do you have a school food administrator or something like that?

Dr. McKENZIE. Yes, we do.

Senator HARKIN. All right, you do have someone.

Dr. McKENZIE. We have a nutritionist in that operation.

INNOVATIVE LUNCH PROGRAMS

Senator HARKIN. Are you trying to do some innovative things in the lunchroom?

Dr. McKENZIE. We are doing some things for our upper grades, like having salad bars. In fact, we have some lunchrooms that look pretty much like cafes to get the older students to come in. We serve soft ice cream. We are really trying to compete to keep the youngsters in the schools so they will——

Senator HARKIN. You have banned carbonated drinks?

Dr. McKENZIE. We have banned carbonated drinks but, on the other hand, we try to have a punch or something that they really want to drink. Again, it helps us with management when the older students stay in and eat, instead of going outside the building. Then for the younger ones we try to make it attractive. We put bowls of fruit on the table so that youngsters can take what they want, rather than putting fruit on the trays. So we try in every way we can to make it attractive and try to make the breakfast fun and attractive. For some of the youngsters it is probably the only full meal that they get during the day, and so it is very important that they eat it.

So we really are working hard to improve our food service.

Senator HARKIN. I appreciate that. I am going to be looking at it. If there is anything that you want me to take a look at——

INVITING SENATOR HARKIN TO LOOK AT PROGRAMS

Dr. MCKENZIE. We would love for you to come and see some of the programs and even make some suggestions to us based on your involvement here at the national level as to how we can improve.

Senator HARKIN. There have been a lot of different things—of course, I am sure you are aware of that, as I am, different things around the country that have been tried. Again, you know, some of them you just touched on.

JTPA PROGRAM IN THE DISTRICT

I did want to get into the whole area of how many students are going on to college. Who delivers JTPA in the District?

Dr. MCKENZIE. The Private Industry Council, with the support of the District government. We are getting a substantial amount of the in-school jobs money. We also get support for our culinary arts program, and a construction program from those moneys. So we have a very effective cooperative relationship and that is not always the case with school systems.

Senator HARKIN. But you do contract to deliver JTPA training in the schools?

Dr. MCKENZIE. We do some of it in the schools, and we provide sites for some of the private vendors working with citizens of the city.

Senator HARKIN. I think that a lot of the JTPA money, obviously it goes for the retraining of people, something that has happened, but I think—and I have seen some cases where it has gone through school systems sort of as preventative training, in other words, the culinary arts, for example.

Dr. MCKENZIE. Yes, and we have some adults in those programs, and that is how we have gotten the money for our construction program. We take out-of-school youth as well as our in-school youth and those programs are very exciting and make a difference in the community.

NUMBER OF STUDENTS GOING TO COLLEGE

Senator HARKIN. And how many kids are going on to college and post-graduate school?

Dr. MCKENZIE. Fifty-four percent went on to college last year. We are hoping to increase that number because we are very sensitive to the fact that there is a decreasing number of blacks and Hispanics entering college. We have a very strong mission with respect to getting kids into college and getting them financial aid.

ATTENDING LOCAL COLLEGES

Senator HARKIN. What college do they have locally to go to?

Dr. MCKENZIE. George Washington University provides 40 scholarships for D.C. youngsters. Georgetown University provided about 48 last year. Catholic University is providing some. A large number of students also go to the University of the District of Columbia and Howard University.

We are encouraging the private colleges to set aside opportunities for city youngsters. I am pleased that a number of private colleges do that.

Senator HARKIN. There is only one public college?

Dr. MCKENZIE. One public college, that is right. American University I had better mention gives 25 scholarships through the Frederick Douglass Program they have for local youngsters. We are working with the private as well as the state institutions, because we think our youngsters need some choices.

Senator HARKIN. Very good. Is there anything else that any of you want to bring up? I had some other things but I will submit these for the record, any written questions that we might have.

About 11.5 percent of the students say they do not eat the school lunch. I would say that is about equivalent to what I have seen in other places, about the same.

Dr. MCKENZIE. So we really have to work——

Senator HARKIN. That is not bad.

Dr. MCKENZIE. No. We really want you to come and see some of our facilities and see how we try to involve the students.

SUBMITTED QUESTIONS

Senator HARKIN. OK. I will do that. Senator Reid also has some questions that he would like to submit to the school board.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR REID

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

GENERAL BUDGET

SENATOR REID:
1. In your testimony you mentioned the existence of "teacher incentive" measures designed to facilitate the recruitment, retention, and recognition of teachers. Will you please provide me with a description of these measures?

DR. MCKENZIE:
1. Extensive recruitment activities are being conducted to bring talented teachers to District of Columbia Public Schools. Recruitment teams consisting of principals, administrators and mentors visit college campuses, university/college consortium sites and selected cities where teacher candidates are available.

Exemplary programs have been implemented to attract and retain high-calibre teaching staff for the District of Columbia Public Schools. The Intern-Mentor Program takes beginning teachers (interns) and places them under the guidance and supervision of talented and experienced teachers (mentors). The program provides tuition support ($2,000 per intern) for participation in a university consortium masters degree program. Mentors receive a stipend of $2,000, a material allowance of $200, a teaching grant of $1,100, and a travel stipend of $1,000 to attend conferences, etc.

The Department Chairperson Program currently being piloted in seven secondary schools serves as an incentive utilizing the talents and skills of experienced teachers to build leadership teams to improve the quality of instruction at the school level. There are 75 department chairpersons receiving an additional $1,500 yearly stipend and $200 for materials/subscriptions, etc. Professional training grants of $3,000 are awarded to department chairperson teams to implement programs in their respective schools.

Finally, an incentive program which recognizes and rewards teachers for exemplary classroom programs; and a school improvement award program which provides funds ($5,000 grants) to schools to address a critical need or problem which affects the entire school community, complete the effort.

SENATOR REID:
2. What changes, if any, would you like to see to increase the speed and effectiveness of the implementation of these measures?

DR. MCKENZIE:
2. The Intern-Mentor and Department Chairperson programs are examples of initiatives recommended in the Carnegie and Holmes Reports. These programs serve as the major components of professional growth opportunities for a career in education. A study of career ladder/differentiated staffing programs is planned to determine the feasibility of developing a program for the District of Columbia Public Schools teachers. If the study

recommendation calls for the implementation of such a career structure, then funding at the appropriate levels will be a major consideration for the District and Congressional Committees on Appropriations.

SENATOR REID:
3. Will you please provide me with a copy of the pay scale for the D. C. public school teachers and a comparison of this scale to the national average?

DR. MCKENZIE:
3. The information is provided on the attached charts.

(The information follows:)

SCHEDULE 1

REVISED APRIL 1987 2% ABOVE THE 10/31/86 RATES WASHINGTON TEACHERS' UNION

EDUCATIONAL SERVICE EMPLOYEES (ET)

EFFECTIVE OCTOBER 1, 1986		S	E	R	V	I	C	E	S	T	E	P	S	
SALARY CLASS AND GROUP		1	2	3	4	5	6	7	8	9	10	11	12	13	DY
CLASS 13 GROUP B	MASTERS	29144	30093	31041	31990	32936	33886	34832	35782	36731					
CLASS 13 GROUP C	MASTERS + 30	30093	31041	31990	32936	33886	34832	35782	36731	37679					
CLASS 13 GROUP D	DOCTORATE	31012	31961	32909	33856	34804	35753	36700	37649	38598					
CLASS 15 GROUP A	BACHELORS	18849	19597	20348	21098	21844	22594	23544	24489	25440	26384	27333	28262	29231	31508
CLASS 15 GROUP A1	BACHELORS + 15	19788	20535	21286	22032	22782	23531	24481	25430	26377	27327	28271	29223	30172	33394
CLASS 15 GROUP B	MASTERS/BA + 30	20736	21683	22631	23580	24526	25477	26653	27826	29005	30179	31355	32530	33709	36768
CLASS 15 GROUP C	MASTERS + 30	21683	22631	23580	24526	25477	26424	27599	28777	29951	31125	32300	33477	34657	37735
CLASS 15 GROUP D	MASTERS + 60 DOCTORATE	22631	23580	24526	25477	26424	27372	28548	29727	30901	32077	33249	34425	35707	38966

THIS SALARY SCHEDULE IS APPLICABLE TO POSITIONS IN COLLECTIVE BARGAINING CODE MAA

Comparison of Estimated Salaries for Classroom Teachers

15 Large Cities	1979-80 Average Salary	Rank	1985-86 Average Salary	Rank	Five Year Increase	
					Annual	Percent
1. Atlanta	18,112	12	27,459	9	9,347	52
2. Baltimore	21,316	6	30,072	6	8,756	41
3. Boston	22,501	5	N/A	N/A	N/A	N/A
4. Chicago	23,331	2	29,084	7	5,753	25
5. Cleveland	18,802	10	N/A	N/A	N/A	N/A
6. Dallas	18,182	11	38,694	1	20,512	53
7. Houston	17,381	13	23,799	12	6,418	36
8. Los Angeles	21,065*	7	28,268**	8	7,203	34
9. Milwaukee	19,947	9	27,333	10	7,386	37
10. New Orleans	16,995	14	N/A	N/A	N/A	N/A
11. New York	22,506	4	31,224	3	8,718	38
12. Philadelphia	23,976	1	30,273	5	6,297	26
13. St. Louis	N/A	N/A	25,692	11	N/A	N/A
14. San Francisco	20,779	8	30,921	4	10,142	49
15. Washington, D. C.	22,883	3	33,211	2	8,826	39

Suburban Washington	1979-80 Average Salary	Rank	1985-86 Average Salary	Rank	Five Year Increase Annual	Five Year Increase Percent
Alexandria	19,614	5	32,818	1	13,204	67
Arlington	N/A	N/A	N/A	N/A	N/A	N/A
Fairfax	21,882	3	29,275	4	7,393	34
Montgomery	22,132	2	31,498	3	9,366	42
Prince Georges	21,109	4	27,198	5	6,089	29
Washington, D. C.	22,883	1	33,211	2	8,826	39

*1979-80
**1984-85
Note: N/A means data not available

Sources: Data secured from the Educational Research Service, Inc. reports: Salaries Paid Professional Personnel in Public Schools, 1980-81, and Salaries Paid Professional Personnel in Public Schools, 1985-86 Division of Budget, District of Columbia Public Schools

Prepared by
Division of Quality Assurance
April 1987

SENATOR REID:

4. I have always believed the best way to attract quality teachers to the public schools is to offer prospective teachers salaries competitive with those offered in the private sector. What is your opinion of an experiment where teachers are offered salaries commensurate to those they would receive if they held a job with comparable responsibilities in the private sector?

DR. MCKENZIE:

4. The intent of such an experiment would be helpful in attracting quality teachers except that it is difficult to equate the responsibility of a teacher to other positions in the labor market. This problem would make implementation of this experiment difficult.

We endorse equal pay for equal work. If the compensation for teachers were calculated on an annualized basis to include pay for the days off during the summer, the pay scale of a teacher would probably be closer to that of a person with comparable responsibility in the private sector. Such a change in pay would be very costly and would increase teacher salaries by nearly twenty percent.

Our most significant experience with comparable pay for teachers is tied to our experience in the industrial arts. The pay scale for these teachers, such as automobile mechanics, electricians, welders, etc., needs to be adjusted to compete with the private sector. We have had some difficulty in this area, however, research is underway to explore salary adjustments for those areas that continue to be difficult to fill. This is necessary in an academic environment, where educational standards must be required and maintained. The current structure merely provides salary adjustments based on education and experience, and does not take into consideration the fierceness of the competitive job market.

Hence, many variables must be considered to successfully conduct the experiment outlined in your idea.

CLOSING REMARKS

Senator HARKIN. Again, I just want you to know that I have not been unaware of the great progress made in the D.C. Public Schools over the last several years. It is obvious that you are doing some things correctly. Keep doing them and I do not want to meddle, but what ever support I can give I will be glad to.

Dr. McKENZIE. The board says more and more.

Senator HARKIN. I have signed into a new contract for 3 more years.

Dr. McKENZIE. They are never satisfied. They always say more and more, so I have learned to live with that.

MEMBERSHIP OF SCHOOL BOARD

Senator HARKIN. That is good. How big a school board is there? How big is it?

Dr. McKENZIE. There are 11 members, plus one student member. There are three at-large members and eight ward members. The one student is elected through a representative process.

TERMS OF SCHOOL BOARD MEMBERS

Senator HARKIN. What is it, 4 years?

Mr. HALL. Four years. This year there will be terms of 3 and 5, some serving 5-year terms and some serving 3-year terms. Someone said 5 years is a sentence, not a term. [Laughter.]

At any rate, once that period is over, all board members' terms will be 4 years.

Senator HARKIN. It sounds good. Again, I would like to look at some of those things as we go along.

Dr. MCKENZIE. Come out and see the Montessori Program, and some of the other school programs. Come and see the culinary arts program and the construction program and some that this committee has helped us to develop.

Senator HARKIN. Is the culinary arts program in one place?

Dr. MCKENZIE. Yes, one place. We get our instructors from the Culinary Institute of America. They rotate. It is a cooperative program with the hotels and major restaurants. We almost have 100 percent placement, which is very exciting.

SUBCOMMITTEE RECESS

Senator HARKIN. If there is nothing else, then the subcommittee will stand adjourned until Thursday, at 9:30.

Thank you all very much.

[Whereupon, at 12:14 p.m., Tuesday, May 5, the subcommittee was recessed, to reconvene at 9:30 a.m., Thursday, May 14.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1988

THURSDAY, MAY 7, 1987

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:41 a.m., in room S–128, the Capitol, Hon. Tom Harkin (chairman) presiding.

Present: Senators Harkin, Lautenberg, Reid, Nickles, and Grassley.

DISTRICT OF COLUMBIA

OFFICE OF THE MAYOR

STATEMENT OF HON. MARION S. BARRY, JR., MAYOR

ACCOMPANIED BY:
- RICHARD SIEGEL, DIRECTOR, OFFICE OF THE BUDGET
- WILHELMINA MARSHALL, DIRECTOR, LEGISLATIVE AFFAIRS UNIT, OFFICE OF THE BUDGET
- DAVID RIVERS, COORDINATOR OF FINANCIAL TEAM

INTRODUCTION OF WITNESSES

Senator HARKIN. The subcommittee will come to order.

The Subcommittee on the District of Columbia continues its inquiry into the fiscal year 1988 budget of the Nation's Capital. With us, this morning, is the Honorable Marion Barry, Jr., Mayor of the District of Columbia, and the Honorable David Clarke, Chairman of the Council of the District of Columbia.

Mayor Barry and Chairman Clarke, it is a pleasure to welcome you here this morning. We have some questions concerning the District and its budget. Before we get to those, we would like to hear your presentations.

Mr. Mayor, your prepared remarks will be made a part of the record and if you could summarize them, we would appreciate it and please proceed as you so desire.

Mayor BARRY. Mr. Chairman, let me express my great delight and appreciation for being able to appear before the subcommittee and you as the new chairman. We had a good relationship with the previous chairs of this subcommittee and, as you and I have discussed privately, we would like to continue that type of relationship where you carry out your constitutional responsibility and we carry out ours. You carry out your oversight responsibility in a spirit of harmony and a spirit of trying to make Washington, DC, the Nation's Capital, the best city government, state or county government that there could ever be. So I appreciate your understanding of the complexity of our city.

You have been in the Congress for a number of years, so you are not new. We want to express our appreciation and look forward to working with you over the years as chair of the subcommittee, and other members of the committee.

HIGHLIGHTS OF FISCAL YEAR 1988 BUDGET

Mr. Chairman, I would like to, as you indicated, submit my statement for the record and to indicate that this is a budget design that puts the city's collective resources to work to improve the quality of life of the every citizen of the District. This is a budget committed to people and dedicated to excellence.

It is a budget plan that recognizes that results are what counts and not rhetoric. It provides a fiscally sound blueprint for an aggressive, no-nonsense approach to public service that responds to the needs, hopes, and aspirations of our citizens, regardless of age, ethnic background and economic circumstances. It reflects this government's unwavering commitment to making a difference, not just talking about it, but making a profound difference.

Mr. Chairman, over the past 6 years, we have reduced the accumulated deficit which we inherited from the federal government, which in 1980 was $377.8 million. We have reduced it by almost $153 million.

Again, it demonstrates our soundness and our fiscal responsibility.

BALANCING THE BUDGET

In 1986, Mr. Chairman, this marks the sixth consecutive year that our budget has been balanced under the most stringent possible accounting standards. As you may know, when I came into office in 1979, our books were in chaos and could not be audited. No one knew how much money we had in the bank.

I am proud to say that every morning, around 10 o'clock, I get a four-page summary indicating what our investment balances are, what our bank balances are, what our book balances are, and where our investments are. It is one place now. When I first came into office, in 1979, I had to call some 20 people just to find out exactly where we were.

I am also proud to say and report that we are collecting almost all the taxes owed us on time. We are depositing our money and we have probably one of the best cash management systems anywhere in the country, in terms of managing our cash. We have a very sophisticated computerized system that predicts what our expenditures are, and what our income is. So we invest both short term and long term and we get a good yield on that money.

NO INCREASE IN THE FEDERAL PAYMENT

Also, Mr. Chairman, let me call to your attention a concern of ours, and that is federal payment. Fiscal year 1988 is the third consecutive year that the President has not recommended an increase in the federal payment from its current authorized level of $425 million. While we understand the difficulty of reducing the federal deficit, we think that the federal government, because it owns 55 percent of the taxable land here, has the responsibility to at least let the federal payment keep pace with the consumer price index.

Our ideal situation would be to have a formula-based payment that would not be subject to personal feelings or any other feelings. It would be based on a ratio between the federal payment and local taxes raised. Our federal payment for fiscal year 1986 is $444.5 million. We ask the subcommittee to at least keep us at this level in fiscal year 1988.

Congressman Fauntroy is introducing in the House an authorization bill of some $462 million. We do not think the federal government should ignore the fact that costs are rising and that we need to have an increase in the federal payment. We do not think that the federal deficit should be balanced at our expense. I would like to call that to the subcommittee's attention.

NO PAYMENT FOR A FEDERAL WATER AND SEWER PAYMENT

Also, Mr. Chairman, let me call to your attention another problem. That is the federal water and sewer payment. The President's budget for the District contains no request for a lump-sum payment. Their view is that each individual agency should pay its own water bill, but we think that that is contrary to existing public law. The Public Works Act of 1954, requires that the estimated value of water services furnished to the United States shall be included annually in the budget estimate by the Mayor, and that a sum of the estimated value of the water and sewer services shall be appropriated annually to the District, subject to subsequent adjustment within 2 fiscal years.

Mr. Chairman, let me say that the federal government has urged us to install meters at each of their facilities. We have done so. I think they thought that by the installation of these meters that we were overcharging them for water and sewer. That is not the case.

In fiscal year 1987, they underpaid us $7.9—I am sorry. In fiscal year 1985, the federal government underpaid us by $1 million. In fiscal year 1986, they underpaid us by $16 million. In 1987, they underpaid us by $7 million.

Mr. Chairman, and members of the subcommittee, it does cost money to process water and sewer to federal buildings. We would rather have the lump-sum payment as authorized by law. One, it is easier to do, and the adjustments are easier. Second, Mr. Chairman, what we do with residents here, if a single-family resident does not pay his or her water bill, we give them 10 days' notice before we cut the water off.

Obviously, we are not going to say to the Defense Department, you have 10 days' notice to pay your water bill. It is just too cumbersome, with all these federal agencies scattered throughout the city everywhere. We think the lump-sum payment is easier. Let it be in the District of Columbia Appropriations Act and save the agencies headaches.

GSA does not want to collect it. The agencies do not want to have somebody trying to pay it.

What we have done, though, is we have installed meters at all the federal buildings and we know exactly how much water they use.

LETTER FROM GAO REGARDING WATER AND SEWER PAYMENT

Senator HARKIN. If you do not mind me interrupting your testimony at this time for some questions, you are aware of the letter dated April 1, 1987, from the Comptroller General of the United States to Congressman Dixon, Chairman of the Subcommittee on the District of Columbia, in which he said:

> We conclude that: One, the President's proposal is contrary to existing law; two, that the District of Columbia has no statutory authority to bill or to accept payments directly from individual federal agencies for water and sewer services; and three, the President's budget should contain adjustments to the federal water and sewer payments made to the District during the two previous years if, in his opinion, adjustments are needed for the payments to correspond to the actual water and sewer services provided.

You are on solid ground on that.

But what I would like to know is that you did an audit of the water meters. You say these places all have water meters?

Mayor BARRY. Yes.

ESTIMATING FEDERAL WATER AND SEWER SERVICES FOR FISCAL YEAR 1988

Senator HARKIN. And you did an audit which showed that they were underpaid by quite an amount. You said the District revised its request for fiscal year 1988 from $29 to $40 million for sewer and water?

Mayor BARRY. That is right.

Senator HARKIN. If you have meters on these things, then do you know what it cost last year? What they were? I mean, how did you get this estimate of going to $40 million?

Mayor BARRY. What happened, Senator, is that the law requires that adjustment be made over a 2-year period of time. However, we had to prepare the fiscal year 1988 budget to send to the President before we had the actual readings to project the fiscal year 1988 cost.

Our sewer charges for everybody in the District is a percentage of water used. That is what most jurisdictions use, as a way to establish sewer charges. So what this request is, is not only what is anticipated for fiscal year 1988, but for fiscal years 1986 and 1987—I mean fiscal years 1985, 1986, and 1987.

Also, there were some meters that were inside of some buildings and we now are in the process of getting them all outside, so that they can be read. We are also making arrangements to get inside to read the meters. We do have actual readings of all the federal buildings, including the Capitol and the White House.

NO AUTHORITY FOR DISTRICT TO BILL FEDERAL AGENCIES

Senator HARKIN. Let me ask you this then, obviously the law does not provide for billing or accepting payments for individual agencies?

Mayor BARRY. That is correct.

CHANGING THE CURRENT LAW

Senator HARKIN. How would you feel about changing that? Since you have got the meters there and everything, why not just change it and make them pay you?

Mayor BARRY. Quite frankly, Mr. Chairman, I would rather have it appropriated in a lump sum as required by law, as opposed to each individual agency including it in its appropriation. If there are disputes about the amount, the agencies may not pay it.

I think we have enough problems already. The idea here is for the federal government to pay the District for water used in the lump-sum payment as required by the existing law.

Can you imagine what it would be like with some—I do not know how many federal agencies we have here—40, 50, 60, or 70 federal agencies, trying to get money from each agency?

We also had suggested, at one point, if we are going to go to the billing process, that GSA should be the collector of the federal water bills and the funds should be in GSA's budget. They are not particularly happy about that either. They say they have enough problems with these agencies, trying to get them to move, or not move.

It just seems to me with all the problems this country has and the city has, it is easier to have the lump-sum payment rather than having each agency to pay its water bills.

FEDERAL GOVERNMENT PAYING ITS SHARE OF WATER

Senator HARKIN. The only reason I ask that is obviously you were underpaid: By $1 million in fiscal year 1985, $26 million in 1986, and I understand from counsel that that is basically because of the sequestering that went in then. And the amount that would be underpaid would be $7.9 million for fiscal year 1987. That is rolling in, and we will not know that until the next budget cycle, right?

Mayor BARRY. Right.

Senator HARKIN. Again, my position is that the federal government ought to pay its fair share. We ought to pay for the sewer and water services that we use. And if in the past the lump sum has not provided that, then either we have to change the method of the lump-sum payment and making sure that it is up to date, or go to an individual billing.

I understand what you are saying about the individual billing, and I can see all kinds of fights getting into among agencies themselves, not wanting to put it in their budget and shoveling it off on someone else.

ACCURATE WATER AND SEWER METER READINGS

I am just thinking that—are you satisfied that we are now in a position that, going from now forward, that we have a good handle on what the sewer and water bills ought to be in that lump sum?

Mayor BARRY. Mr. Chairman, part of the problem in the past was that some of the federal agencies did not have water meters. And rightly so, they said we do not know whether or not your numbers are accurate or inaccurate. So we said we will put water meters in every facility.

So we have done that.

Senator HARKIN. That is in place?

Mayor BARRY. It is in place in every facility.

Senator HARKIN. So you should have a good——

Mayor BARRY. So we now have an exact handle on how much water is being used.

DISCOUNTS ON VOLUME USE OF WATER

Senator NICKLES. Could I ask a question on that same line? Mr. Mayor, when you have extremely large facilities, are you giving them volume discounts? Is there not a dispute as far as whether or not that $28 million is adequate, or $40 million is adequate? Is there not some negotiation involved in determining what that annual amount should be?

Mayor BARRY. Senator, we do not have volume discounts for any of our water users.

Senator NICKLES. So you would charge the Capitol complex the same amount, on a volume basis, as you would each individual residence?

Mayor BARRY. Yes, sir; it costs just as much to process a gallon of water that comes through the Capitol as it does to process a gallon of water——

Senator NICKLES. I am not sure that is the case, because——

Mayor BARRY. Electrical companies sometimes give volume discounts because of the peak load and the low load. Metro, for instance, has a volume discount. Blue Plains has a discount. There are several large users.

A water utility is different than electric and gas utilities, because in some instances there are economies of scale because if you use a lot of electricity or intense electricity, it does not cost as much to produce a kilowatt as it would low volume.

In terms of water, there is a difference. The water is processed starting at the Potomac, it comes out of the Potomac, it comes down here, into two reservoirs. The only difference is that you have a larger water main and it may cost a little bit more because you have to have pumps to pump it in.

So we have not found any place around the country of any significance that has volume discounts on water. I understand what you are saying. The hotels would like us to give them a discount, as well as other big water users. There was a time when Potomac Electric Gas Co. was using water to cool some of their—I do not know their process now. They wanted a discount.

So we have never had any volume discount. Maybe it is something to look at, but at this point we do not have any.

ACCURATE WATER AND SEWER AMOUNT FOR FISCAL YEAR 1988

Senator NICKLES. I think that—correct me if I am wrong, but is there not some dispute over the $40 million figure? Would not OMB or others contest that figure or at least want to negotiate it?

Mayor BARRY. I do not think so. They may want to negotiate as to whether or not they want to pay it, but I do not think they want to negotiate whether or not it is accurate.

Senator NICKLES. What would keep you from saying it is $80 million?

Mayor BARRY. We have actual meter readings. We go to the federal agencies, read the meters, like in your house or my house. If you read the meter January 1 and it says—just for the sake of discussion here—10,000, and on June 30 it says 60,000, however you count it, you take the difference between the first meter reading and the last meter reading and subtract the difference. That is how much water was used.

That is how it happens with your residential facilities. I have to get my water bill every 6 months, or 3 months. They read my meter on say——

Senator NICKLES. I may be wrong, and I will leave it at this, but my guess would be that there would be a significant difference in maintenance expense, et cetera, when you are talking about large units that use large volumes as compared to thousands of units that have their individual mains and services and monthly billing and so on. I would think that there would be significant differences that would warrant difference in rates for volumes used.

Mayor BARRY. I am just saying that the District does not have a rate policy which gives discounts for large volume users. That may be something we ought to look at.

CONSERVATION OF WATER

Senator HARKIN. Let me just respond and we will go on with this, but there are two reasons, Don, on this volume discount, in terms of water. Obviously we, the federal government and I do not think any jurisdiction ought to be in the position of encouraging wasteful water use. Lord knows we have a scarcity of clean water now and we are facing some problems with clean water in this country.

To the best of the ability that we can, to encourage conservation of water, we ought to.

RESPONSIBILITY OF FEDERAL GOVERNMENT AS A LANDLORD

Second, we have a unique situation here where you may have all these agencies, but there is really just one landlord and that is the federal government. It is sort of like an apartment house owner that has a bunch of apartments, but it has one meter for the entire apartment house. Again, that is the way it is with the federal government. We are the landlord for all those agencies out there and we have basically said, in the past—according to law.

Now we can talk about changing the law, but what we said in the past, in the law, is that those agencies will not be accountable in their individual capacities for this, but that the federal government in its entirety will be responsible for it. If you want to change the law, we could do that, but he does not have the authority now to do that.

Mayor BARRY. Also, Mr. Chairman, a number of apartment owners would love for us to have discounts for them. They say well, we have 300 apartments here, you only have one meter to read. There are several buildings owned by the federal government, such as the Red Cross, occupied by the Red Cross. The federal government's position, and rightly so, is that the Red Cross ought to pay its water bill.

In the past, the federal government has paid the water bill for the Red Cross building. I think in those instances, where the federal government believes that it has an occupant, that is not a federal entity, but even if the building is owned by the federal government, that is a legitimate situation and we ought to take those out and make those individual agencies that occupy those federal buildings that are not federal agencies pay their own water bill.

That is the only dispute, Senator, that we have with the federal government at this point. They do not dispute the numbers at all.

Senator HARKIN. You can see there is interest in this?

Mayor BARRY. Yes, I see.

Senator HARKIN. Please proceed.

FEDERAL FUNDS TO COMPLETE METRO SYSTEM

Mayor BARRY. Also, Mr. Chairman, we would like to indicate that the federal government ought to keep its contract of completing our 103-mile transit system. We recognize that this subcommittee cannot appropriate the rest of the Stark-Harris money, but all of you on this committee are members of the full Appropriations Committee.

We believe that the subway system's funding, which is now up to about 90 miles, ought to be finished to the 103-mile system. It is not just any old subway. It is America's subway. There are 275,000 federal workers who work in the District of Columbia, most of whom use either cars or Metro to get home to Maryland or Virginia. The jurisdictions are subsidizing the Metro system itself with operating revenue.

So the federal government is benefiting by the use of our Metro. It gets the workers to work quicker. It cuts down on pollution in the air. We think that the Congress ought to help us complete Metro financing.

The District of Columbia has been very supportive of our Metro system. We took over $2.4 billion of our highway trust money and rather than build freeways we put it into the Metro system. We know the funding level is not the jurisdiction of this committee, but the members on this committee are also on the full Appropriations Committee, and we do have some friends on the committee that are pushing to try to get the whole 103-mile transit system both authorized and appropriated. I want to call it to your attention.

FEDERAL FUNDING FOR ST. ELIZABETHS HOSPITAL CAPITAL PROJECTS

We also have another serious problem. As you know, Mr. Chairman and members of the committee, the District of Columbia is required, by law, to take over St. Elizabeths Hospital on October 1, 1987. We are on target, and on schedule. In fact, we are 2 or 3 weeks ahead of schedule, as to our plans for taking over.

For some of the members who are new to the committee, it is a very complex problem. We had a bifurcated system, where the federal government ran St. Elizabeths Hospital. We ran our own local mental health administration. Now we are merging them into one.

We hope to make it a model in the country with the best mental health system that we can get, both in-patient, out-patient, adolescent care, and elderly care.

The federal government had promised, when they passed Public Law 98–621, that we ought to do a physical audit to find out what the conditions of the structures were, including the underground pipes. They agreed, at that time, that they would pay the costs of modernizing those buildings and they would pay the cost of any infrastructure changes.

When you look at the fiscal year 1988 HHS budget, you find that they are only recommending $26 million for renovations and rehabilitation. Independent experts of the District government, have indicated that we need about $85 million, if I am not mistaken.

So we urge you to work with the chairman of the Subcommittee on Appropriations for Labor, Health and Human Services to adjust the budget. Again, all of you are on the full Appropriations Committee.

The chair of the Labor, Health and Human Services Subcommittee is the person we would like for you to work with, so that when we take over this facility on October 1, we do not end up with the same problems we had when we took over the D.C. government. We want the buildings to be modernized.

Again, the federal government has an interest here because St. Elizabeths is where John Hinckley and others are housed. We will continue to house federal forensic prisoners on a contractual basis with the federal government. We want the facilities to be up to date so we do not have antiquated and outmoded facilities.

What happens, as soon as we take it over, some advocacy group will go out and file a lawsuit against the D.C. government, saying our facilities are inadequate and force us to pay for them. We feel strongly that the federal government should pay for them and honor its commitment.

If there are any questions about that subject, I will answer them, but we urge you to work with the subcommittee chair. A contract is a contract, as far as I am concerned. If you commit yourself to it, you do it.

HIGH COST OF CAPITAL NEEDS AT ST. ELIZABETHS HOSPITAL

Senator NICKLES. Before you get ready to leave this subject area, this $85 million sounds—and I am not that familiar with St. Elizabeths—but it sounds like you are not trying to rebuild the facility. It sounds like you are trying to start it new. That is a lot of money for some renovations and estimates can vary on what it costs to bring things up to par, but that sounds like an enormously large amount of money, just to make that editorial comment.

I have seen it happen in some other cases, when you are talking about trying to fix buildings or replace them, sometimes the rehabilitation costs can exceed the new costs.

Mayor BARRY. Senator Nickles, there are 336 acres at St. Elizabeths Hospital with over 150 buildings. It is a large complex. Also, it is a historic district.

I realize every dollar sounds like a big dollar in this day and age. The law which transfered the operation of the hospital to the D.C. government, called for an independent audit of the buildings and a commitment on the part of the federal government to fund the renovation and rehabilitation of the buildings. We think that ought to happen.

We did not make up that amount of money. The independent auditors did.

Moreover, as I said, some of this is new to some of you because this happened 2 or 3 years ago when Mr. Stockman was head of OMB. He was the one pushing for the takeover of St. Elizabeths Hospital; we were not. We were opposed to the takeover because we knew that the buildings had been neglected over the years. We knew that it would take a lot of work to get it done.

We resisted for 2 or 3 years. After a while, not only did we lose the will to resist, it did not make any sense to resist because OMB was pressing us awfully hard.

So what would happen, Senator Nickles, if we do not renovate those buildings, they will not be able to meet either federal or local licensing requirements and therefore we will not be able to house patients.

Right now there are a number of buildings vacant and they are moving patients from place to place while they renovate. The question is not whether they will be renovated. Everybody agrees on that. The question is whether or not the federal government ought to pay its full share of the cost to do it. That is the issue, not whether they ought to be renovated.

The federal government said they ought to be renovated. Independent experts say that, too. It is just a problem of money, I guess, and everybody is trying to reduce the deficit. They said let us take it out of St. Elizabeths Hospital because they do not have any constituents except me, the Council, and the advocates up here on the Hill. They do not vote for anybody up here. It is a serious problem, though.

Also, another problem with this, Senator, is that we have to obviously be Medicaid and Medicare certified. As you know, the Medicaid and Medicare rules require that the state licensing agency certify that they meet the codes and license standards. If we do not get that certification, it means that again the District would have to pay the full cost of care. We think that we should not lose that opportunity for Medicaid and Medicare funding.

Senator NICKLES. I hope they are not that dilapidated.

FEDERAL RESPONSIBILITY FOR ST. ELIZABETHS HOSPITAL

Mayor BARRY. You ought to go out there and see a few of them.

Senator NICKLES. I might do that. I do not want to go and spend a great deal of time down there. I might run by for a quick look-see, but I do not want to spend a day out there.

Mayor BARRY. As I said, I realize that these problems are not, for me, as in-depth as they ought to be because quite frankly the D.C. government is not and should not be the highest priority for any Senator who represents his or her constituents.

On the other hand, you have a constitutional responsibility to look at it, and some of these things have been around before I came into office. St. Elizabeths Hospital has been discussed since President Eisenhower. He commissioned a study about what to do with St. Elizabeths. You know how long that has been. What should be the relationship between the D.C. government and St. Elizabeths?

Every President since President Eisenhower—I think Eisenhower was elected what, in 1956—has done a study. President Nixon, President Johnson, President Ford, President Carter, and President Reagan.

Finally, it was transferred under the Reagan administration. The Reagan administration urged the transfer, David Stockman did, That has been the history of it. It has been going on since 1956, long before some people in this room probably were born. It is a serious problem.

PROGRESS IN PROCUREMENT AND CONTRACTING

Also, Mr. Chairman, there has been a lot of concern about contract and procurement. I am happy to report that we have what we think is one of the finest procurement and contracting laws in the country. Eighty-seven percent of the contracts under my jurisdiction are competitively bid. We have a comprehensive set of regulations and a new computerized procurement information system in the final stages of implementation. We have an automatic tracking system that was developed to track the status of all contracts.

CITY, COUNTY, AND STATE SERVICES OF THE DISTRICT

Mr. Chairman, let me just indicate, as you know, the D.C. government is very unique in that it performs state, county, and city services. Some people say that seems easy to say. Let me give you one example.

The county of Fairfax has no responsibility at all for its roads. Any state and country roads in the county of Fairfax are the responsibility of the state of Virginia, which means that the state highway department operates those roads. So the supervisors in Fairfax County do not have to hire staff to worry about the maintenance of the roads.

Yet, we do. We have to fix and maintain all the roads and streets in the District of Columbia, including those streets that are in what is called the federal area of the city, Independence Avenue, Constitution Avenue, et cetera.

We have a state prison, for instance. We operate nine state prison facilities at Lorton. Most cities do not operate prisons. They operate detention centers, at most. New York does. Most counties operate detention centers. We have a big jail out here that holds 1,694 people according to the judge. It is larger than that, but the judge said 1,694.

COMPREHENSIVE CONTRACTING PROCEDURE

We do have a comprehensive contracting procedure. Sole source contracts have to go through a very rigid and stringent determination of findings. There is a form to fill out that says here are the reasons why we want to contract with Barry and Associates for this service not only in the agency, but outside the agency.

We have a Procurement Review Committee.

There are three people on the committee, one is a lawyer, that looks at every sole source contract, and has the authority to approve it or disapprove it, based on whether or not there are sufficient justifications. So we think we are on our way to cleaning up something we inherited a long time ago from the federal government. We think we are in pretty good shape.

BASIC THRUST OF FISCAL YEAR 1988 BUDGET

Mr. Chairman, the basic thrust of this budget is to make people self-sufficient. We have requested increases for job training, job opportunities, health services, and services for the elderly.

We have almost $700 million just in human services alone, including funds for prenatal care, day care, and foster care.

TEENAGE PREGNANCY

Also, Mr. Chairman, we are concerned about teenage pregnancy. We think it is a national problem, but we in the District want to tackle it locally. We think that 20 percent of the population having babies who are teenagers is unacceptable to me. Obviously, the government does not get women pregnant, men do, so we have to work hard to try and educate our young people that pregnancy while they are teens is not the way to go.

It is a financial burden on them and on the city because 90 percent of those young people who have babies end up on welfare and their children are on welfare. So we are working hard to break that cycle of teenage pregnancy. We want to get it down as low as we can. We think we are going to have some success. Also, Mr. Chairman——

Senator HARKIN. Do you have a plan for that? I mean, do you have some ongoing plans on how you are going to do that? I am interested in that, too, and I would offer you any help and support that I can.

Mayor BARRY. We had a blue ribbon committee that offered a whole range of plans. The Children's Defense Fund, headed by Mary Ann Etterman, has done a number of things around the country. I met with her last Monday and she is going to lend her expertise and her staff expertise to the problem here in the District.

We think we can bring it down. There is a debate going on now in our school system, and among our school board members, as to whether we should have school-based health clinics. We think we are going to end up having them. The only debate is whether or not they should go as far as advocating prescriptions for contraceptives and other controversial matters, which I do not think the government ought to get involved in. I am for school-based clinics.

SCHOOL-BASED HEALTH CLINICS

Senator NICKLES. Let me ask you a question. Do you have school-based clinics now?

Mayor BARRY. We have one that is experimental. The debate now is whether or not to put them in most of our junior and senior high schools.

Senator NICKLES. Does the one that you have, does it dispense contraceptives?

Mayor BARRY. No.

Senator NICKLES. Are they considering it?

Mayor BARRY. Senator Nickles, I think people will consider anything. It will not be adopted. The sentiment in this community is not to dispense or prescribe contraceptives at school-based clinics.

Senator NICKLES. You said it is not to do that?

Mayor BARRY. Right.

Senator NICKLES. So they will not do that? They will just offer advice and do tests?

Mayor BARRY. I think health care is more than just pregnancy. What we find, particularly in low-income communities, because of the tradition of not seeing physicians and not seeing a doctor until you are really sick, is that health education and how you take care of your body ought to be a paramount process of those school-based clinics.

For instance, we just started this year, for the first time, giving dental examinations to all of our students in our elementary schools. They needed them. We found an inordinate number of poor dental habits, cavities, and other kinds of things.

We also find that people have problems they do not know about. The purpose of school-based health clinics is for young people to learn about their bodies, and find out what is wrong with them. The clinics will teach nutrition, and teach people how to take care of themselves, because there is a direct correlation between taking care of your body when you are a teenager and having a healthy baby.

Physicians have said you just cannot stop smoking when you get pregnant. You cannot stop eating fast food and other junk food. You have to start early eating nutritional foods so that when you do have a baby—and I hope it is when you are married when you have one—that you can have a healthier baby. That is the whole basis of these clinics.

They have gotten involved with the whole question of whether or not you ought to prescribe contraceptives or you ought to dispense contraceptives.

I think the decision about one's own attitude about pregnancy ought to be made at home, in terms of whether or not one wants to use contraceptives or not use contraceptives. The Catholic Church, as you know, is opposed to the use of any method.

USE OF LOCAL REVENUE FOR ABORTIONS

I do not think the government ought to get involved with that. Now, there will be a question coming before this subcommittee. It comes every year, so I can let you know it is going to come. There are some in the Congress who want to forbid the state, and in this instance we are the state, from using our own local money to fund abortions. The Supreme Court has ruled that abortions are by choice of people.

So each year someone will try to forbid the D.C. government from using our own local revenue, not the federal portion of it, for abortions. We support the use of our own local money for abortions, not philosophically but just because we think the Supreme Court has ruled that that can be done and we have to follow that course.

That is going to face you, so I put you all on notice it is coming. This year we have been able to work it out.

Mr. Chairman, I do not want to continue too much longer with my statement because it will be in the record. I want to highlight it.

Senator Harkin. I have read your statement, Mr. Barry, we were here late last night, so I had it.

Mayor Barry. I think I will just end by saying that it is a very well thoughtout and helpful statement, I have a good staff that works on this.

COMMENDATION OF WILHELMINA MARSHALL

Incidentally, I would like to introduce my staff. We have Rich Seigel, who is my budget director; Dave Rivers, who is coordinating my financial cluster, the tax side of it as well as the budget side of it; and Mrs. Wilhelmina Marshall, who does everything. She is our chief lobbyist and budget person. She works in the budget office. She and Tim have known each other over the years and she works with a lot of details and is invaluable to us up here.

So Senator, she is here and she speaks for this administration. She has learned how not to promise that which cannot be delivered and not to act like she is the Mayor. She knows that she speaks for the Mayor. That is not easy sometimes, when you have some staff people who think they are the Senators, I guess, rather than the Mayor.

We think we have a great city. We have a lot of problems but we think we have made a lot of progress. Downtown is growing. The spirit is here. The quality of life is up. I am very happy to have been Mayor this 9 years and that ends my statement.

PREPARED STATEMENT

Senator Harkin. Thank you, very much, Mr. Mayor.

[The statement follows:]

Statement of Mayor Barry

I AM HONORED TODAY TO PRESENT THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1988 BUDGET REQUEST. THIS IS A BUDGET DESIGNED TO PUT THE CITY'S COLLECTIVE RESOURCES TO WORK TO IMPROVE THE QUALITY OF LIFE FOR EVERY CITIZEN OF THE DISTRICT. IT IS A BUDGET "COMMITTED TO PEOPLE AND DEDICATED TO EXCELLENCE."

IT IS A BUDGET PLAN THAT RECOGNIZES THAT RESULTS ARE WHAT COUNT, NOT RHETORIC. IT PROVIDES A FISCALLY SOUND BLUEPRINT FOR AN AGGRESSIVE, NO-NONSENSE APPROACH TO PUBLIC SERVICE THAT RESPONDS TO THE NEEDS, HOPES, AND ASPIRATIONS OF OUR CITIZENS, REGARDLESS OF AGE, ETHNIC BACKGROUND, OR ECONOMIC CIRCUMSTANCES. IT REFLECTS THIS GOVERNMENT'S UNWAVERING COMMITMENT TO MAKING A DIFFERENCE, NOT JUST TALKING ABOUT IT--AND DOING IT WITHIN THE REALM OF FISCAL RESPONSIBILITY.

FISCAL RESPONSIBILITY

ONE OF THE GOALS OF MY ADMINISTRATION HAS BEEN TO ACHIEVE FISCAL RESPONSIBILITY. FY 1986 MARKED THE SIXTH CONSECUTIVE YEAR OF BUDGET BALANCE UNDER THE MOST STRINGENT POSSIBLE ACCOUNTING STANDARDS. OVER THIS SIX-YEAR PERIOD, WE ALSO HAVE REDUCED THE ACCUMULATED GENERAL FUND DEFICIT BY $152.9 MILLION SINCE IT WAS FIRST IDENTIFIED IN FY 1980 AT $377.8 MILLION. IN FY 1987 WE WILL AGAIN, FOR THE SEVENTH CONSECUTIVE YEAR, BALANCE OUR BUDGET. THE FY 1988 BUDGET I AM PRESENTING TODAY AGAIN IS A BALANCED BUDGET. FEW OTHER CITIES OR STATES--MANY OF WHICH CONTINUE TO FACE FINANCIAL HARDSHIPS AND CONSTRAINTS--CAN BOAST AS SUCCESSFUL A RECORD OF FINANCIAL MANAGEMENT AS THE DISTRICT OF COLUMBIA. IT HAS NOT COME EASY OR WITHOUT DIFFICULT AND TRYING DECISIONS. HARD WORK, A COMMITMENT TO THE HIGHEST POSSIBLE STANDARDS OF MANAGEMENT, AND VIGILANT AND PERSISTENT OVERSIGHT OF ALL ASPECTS OF OUR FINANCES HAVE ALLOWED US TO ACHIEVE THESE RESULTS.

FEDERAL PAYMENT

FISCAL YEAR 1988 IS THE THIRD CONSECUTIVE YEAR THAT THE PRESIDENT HAS NOT RECOMMENDED AN INCREASE IN THE FEDERAL PAYMENT FROM ITS CURRENT AUTHORIZED

LEVEL OF $425 MILLION. WHILE WE UNDERSTAND HOW DIFFICULT IT IS TO REDUCE THE FEDERAL BUDGET DEFICIT, WE CANNOT UNDERSTAND WHY THE PAYMENT TO THE DISTRICT TO COMPENSATE FOR LOST TAXES AND OTHER COSTS OF THE FEDERAL PRESENCE SHOULD BE SUBJECT TO FEDERAL BUDGET REDUCTIONS. BECAUSE OF ITS FISCAL RELATIONSHIP WITH THE FEDERAL GOVERNMENT, THE DISTRICT IS BEING UNFAIRLY PENALIZED BY THESE CUTBACKS. LIKE OTHER STATE AND LOCAL GOVERNMENTS, THE DISTRICT ENDURES THE PAIN OF FEDERAL GRANT REDUCTIONS. HOWEVER, UNLIKE MOST OTHER GOVERNMENTS, THE DISTRICT LOSES CONSIDERABLE TAXABLE INCOME WHEN THE LARGE FEDERAL LABOR FORCE IN THE DISTRICT SHRINKS OR FOREGOES PAY ADJUSTMENTS. UNLIKE ANY OTHER GOVERNMENT, THE DISTRICT WILL INCUR THE INCREASED COSTS OF HOSTING THE FEDERAL GOVERNMENT WITHOUT INCREASES IN THE FEDERAL PAYMENT.

I URGE THE SUBCOMMITTEE TO CONSIDER INCREASING THE PROPOSED FY 1988 FEDERAL PAYMENT BY $19.5 MILLION TO $444.5 MILLION, THE AMOUNT APPROPRIATED FOR FY 1987. I FURTHER ASK THE SUBCOMMITTEE TO SUPPORT OUR EFFORTS TO PLACE THE FEDERAL PAYMENT ON A FORMULA BASIS. THE ASSAULT ON THE FEDERAL PAYMENT OVER THE LAST THREE YEARS STRESSES THE NEED TO FINALLY TAKE THIS STEP.

FEDERAL WATER AND SEWER PAYMENT

THE PRESIDENT'S BUDGET FOR THE DISTRICT CONTAINS NO REQUEST FOR A LUMP-SUM APPROPRIATION FOR A FEDERAL PAYMENT FOR WATER AND SEWER SERVICES. INSTEAD, THE OFFICE OF MANAGEMENT AND BUDGET (OMB) PROPOSES THAT THE INDIVIDUAL FEDERAL AGENCIES REIMBURSE THE DISTRICT DIRECTLY FOR THOSE SERVICES. WE THINK THIS IS CONTRARY TO THE EXISTING LAW, D.C. PUBLIC WORKS ACT OF 1954, AS AMENDED, WHICH REQUIRES THAT THE ESTIMATED VALUE OF WATER SERVICES TO BE FURNISHED TO THE UNITED STATES SHALL BE INCLUDED ANNUALLY IN THE BUDGET ESTIMATES OF THE MAYOR, AND THAT A SUM OF THE ESTIMATED VALUE OF THE WATER AND SEWER SERVICES SHALL BE APPROPRIATED ANNUALLY TO THE DISTRICT, SUBJECT TO SUBSEQUENT ADJUSTMENT WITHIN TWO FISCAL YEARS, OUT OF MONEY IN THE TREASURY.

I THEREFORE INFORMED OMB IN MY LETTER OF DECEMBER 6, 1986, THAT THE DELETION OF THE LUMP-SUM PAYMENT FOR FEDERAL WATER AND SEWER SERVICES IS CONTRARY TO THE EXISTING LAW. THIS WAS FOLLOWED UP WITH A LETTER FROM MY CORPORATION

COUNSEL TO THE GENERAL COUNSEL OF OMB RESTATING OUR POSITION AND REQUESTING THE LEGAL BASIS FOR OMB'S DECISION.

IT IS HELPFUL TO REVIEW THE HISTORY OF THE OMB POLICY CHANGE. BASED ON A TWO-YEAR AUDIT OF FEDERAL WATER METERS COMPLETED LAST FALL, THE DISTRICT REVISED UPWARD ITS REQUEST FOR AN FY 1988 FEDERAL WATER AND SEWER PAYMENT FROM $29,733,000 TO $40,132,000. AS ALLOWED UNDER EXISTING LAW, THE DISTRICT ALSO REQUESTED A SUPPLEMENTAL WATER AND SEWER PAYMENT FOR FY 1987 OF $25,905,000 FOR AMOUNTS THAT WERE UNDERPAID IN FY 1985 OF $1,079,000 AND FY 1986 OF $16,910,000, AND AN AMOUNT THAT WOULD BE UNDERPAID FOR FY 1987 SERVICES OF $7,916,000.

IN RESPONSE, OMB TOOK THE POSITION THAT SINCE THE DISTRICT HAD BECOME TECHNICALLY ABLE TO CHARGE INDIVIDUAL FEDERAL AGENCIES IT SHOULD BEGIN TO DO SO IN FY 1988 AND THAT A SINGLE LUMP-SUM PAYMENT WAS BOTH NO LONGER NECESSARY NOR FISCALLY SOUND. SUBSEQUENTLY, OMB HAS INFORMED FEDERAL AGENCIES THAT, STARTING IN FY 1988, THEY SHOULD PAY THE DISTRICT QUARTERLY FOR 1988 SERVICES AND ANY AMOUNTS OWED FOR 1985 THROUGH 1987. THUS, OMB ALSO HAS DETERMINED THAT THERE WOULD BE NO SUPPLEMENTAL FOR FY 1987.

NOT ONLY IS THERE NO STATUTORY AUTHORITY TO DISCONTINUE THE LUMP-SUM APPROPRIATION, THERE IS ALSO NO STATUTORY AUTHORITY TO PERMIT THE DISTRICT TO BILL OR TO ACCEPT PAYMENTS DIRECTLY FROM THE FEDERAL AGENCIES. THEREFORE, IN ORDER TO MAINTAIN THE FINANCIAL INTEGRITY OF OUR WATER AND SEWER FUND AND OPERATE IT ON A FIRM LEGAL BASIS WITH THE UTMOST ASSURANCE THAT WE CAN COLLECT ALL THAT IS OWED US, WE ASK THAT $40,132,000 BE APPROPRIATED AS THE LUMP-SUM FEDERAL PAYMENT FOR WATER AND SEWER SERVICES IN FY 1988. IN ADDITION, WE REQUEST THAT THE PRIOR-YEAR AMOUNTS FOR FY 1986 AND FY 1987 OF $24,826,000 ALSO BE APPROPRIATED IF OMB DOES NOT INCLUDE THESE AMOUNTS IN ITS FY 1987 SUPPLEMENTAL. THE AMOUNT FOR FY 1985 OF $1,079,000 WOULD HAVE TO BE IN AN FY 1987 SUPPLEMENTAL IN ACCORDANCE WITH THE TWO-YEAR ADJUSTMENT REQUIREMENT OF THE CURRENT LAW.

FULL FUNDING FOR COMPLETION OF THE 103-MILE TRANSIT SYSTEM

AS YOU KNOW, THE FEDERAL GOVERNMENT AND THE LOCAL GOVERNMENTS OF THIS REGION HAVE FOR MANY YEARS JOINED TOGETHER IN FINANCING CONSTRUCTION OF THE NATION'S FINEST RAIL TRANSIT SYSTEM. THE 70 MILES OF RAIL CURRENTLY IN OPERATION BEAR TESTIMONY TO THE SUCCESS OF THIS LONG-TERM ARRANGEMENT, AND AT LEAST 19.5 MILES OF ADDITIONAL RAIL WILL BE OPEN IN THE 1990s IF CURRENT FINANCING AGREEMENTS ARE HONORED BY ALL PARTIES. COMPLETION OF THE FULL 103-MILE SYSTEM IS THREATENED, HOWEVER, BY FEDERAL RETRENCHMENT AND EFFORTS TO LEAVE FINANCING OF THIS FINAL AND EXTREMELY IMPORTANT SEGMENT TO THE REGION, AND SPECIFICALLY TO THE DISTRICT. WE CANNOT AFFORD TO INCREASE OUR METRO CONSTRUCTION BURDEN BEYOND THAT LEVEL ALREADY COMMITTED. I AM REQUESTING THAT THE FEDERAL COMMITMENT TO THIS SYSTEM REMAIN THROUGHOUT THE FINAL STAGES OF CONSTRUCTION AND THAT IF REDUCTIONS MUST OCCUR CONSIDERATION BE GIVEN NOT ONLY TO REGIONAL ABILITY TO PAY, BUT TO THE FISCAL CAPACITIES OF INDIVIDUAL JURISDICTIONS.

FEDERAL CAPITAL FUNDING FOR SAINT ELIZABETHS HOSPITAL

ANOTHER CRITICAL ISSUE CONCERNS THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES' APPROPRIATION, WHICH IS INTENDED TO FULFILL ITS FY 1988 OBLIGATIONS FOR THE TRANSFER OF SAINT ELIZABETHS HOSPITAL. IN GENERAL, OUR WORKING RELATIONSHIP WITH THE FEDERAL GOVERNMENT HAS BEEN EXCELLENT IN PREPARING THE TRANSFER. WE HAVE MET EVERY DEADLINE AND FULFILLED ALL OUR OBLIGATIONS UNDER PUBLIC LAW 98-621, THE SAINT ELIZABETHS HOSPITAL AND DISTRICT OF COLUMBIA MENTAL HEALTH SYSTEM ACT OF 1984. THE DISTRICT'S BUDGET INCLUDES A $159 MILLION APPROPRIATION TO CARRY OUT OUR NEW RESPONSIBILITIES AND CREATE A NEW COMPREHENSIVE AND IMPROVED MENTAL HEALTH SYSTEM.

THE FEDERAL APPROPRIATION, HOWEVER, IS DEFICIENT IN TWO RESPECTS. ONE IS THAT NO FUNDS ARE INCLUDED TO CONTINUE TO SUPPORT THE $4.4 MILLION TRAINING PROGRAM. THE OTHER IS THAT THE CAPITAL FUNDING ALLOCATED TO RENOVATE THESE OLD AND DETERIORATED BUILDINGS BEFORE TRANSFER IS ONLY $26 MILLION, INSTEAD OF OUR DOCUMENTED NEED FOR $85 MILLION. WE HAVE HAD INDEPENDENT EXPERTS REVIEW THESE ISSUES, AND DURING YOUR REVIEW OF THE DEPARTMENT OF HUMAN SERVICES' BUDGET WE ARE PREPARED TO BRING YOU ADDITIONAL DETAILED JUSTIFICATIONS FOR

CORRECTING THESE DEFICIENCIES IN FEDERAL APPROPRIATIONS. WE URGE YOU TO WORK WITH THE CHAIRMAN OF THE SUBCOMMITTEE ON APPROPRIATIONS FOR LABOR, HEALTH AND HUMAN SERVICES, TO ADJUST THE FEDERAL BUDGET SO THAT WE DO NOT UNDERTAKE THIS MASSIVE NEW RESPONSIBILITY WITHOUT THE MANPOWER TRAINING AND CAPITAL RENOVATION RESOURCES WE NEED TO MANAGE A MODERN, EFFECTIVE MENTAL HEALTH SYSTEM.

CONTRACTING AND PROCUREMENT

WHILE I AM CONCERNED ABOUT THE FUNDING ISSUES, I WOULD LIKE TO TAKE A FEW MINUTES TO PROVIDE YOU WITH AN UPDATE ON THE DISTRICT'S PROCUREMENT AND CONTRACTING PROGRAM. I KNOW THERE HAVE BEEN SOME CONCERNS ABOUT THIS AREA, BUT I AM COMMITTED TO HAVING A MODEL PROCUREMENT SYSTEM FOR THE DISTRICT.

ON FEBRUARY 21, 1986, THE D.C. PROCUREMENT PRACTICES ACT BECAME LAW. SINCE THE ENACTMENT OF THIS LEGISLATION, THE DISTRICT HAS MOVED FORWARD AGGRESSIVELY TO IMPROVE ITS PERFORMANCE IN THE PROCUREMENT AND CONTRACTING AREA:

- ON MARCH 27, 1987, I APPOINTED RAYMOND A LAMBERT AS THE ACTING DIRECTOR OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES. MR. LAMBERT SERVED FOR THE LAST SIX YEARS AS THE INSPECTOR GENERAL FOR THE STATE OF FLORIDA AND ONCE SERVED AS AN ASSISTANT NAVY INSPECTOR GENERAL. HE COMES WITH A WEALTH OF KNOWLEDGE AND WILL PROVIDE THE STRONG LEADERSHIP NEEDED TO ENSURE POSITIVE CHANGE IN THE CITY'S CONTRACTING PROCESS.

- A COMPREHENSIVE SET OF NEW REGULATIONS, AS REQUIRED BY THE NEW LEGISLATION, IS SCHEDULED TO BE PUBLISHED BY JULY 15, 1987. THESE NEW REGULATIONS WILL REPLACE ALL EXISTING RULES AND REGULATIONS.

- A NEW COMPUTERIZED PROCUREMENT INFORMATION SYSTEM IS IN THE FINAL PHASES OF IMPLEMENTATION. THIS SYSTEM WILL GIVE US THE ACCOUNTABILITY WE HAVE LACKED IN THE PAST.

- AN AUTOMATED TRACKING SYSTEM IS BEING DEVELOPED TO TRACK THE STATUS OF ALL CONTRACT ACTIONS.

- AN EXPIRING CONTRACTS REPORT IS BEING IMPLEMENTED FOR CONTRACTS OVER $100,000, TO SERVE AS AN EARLY WARNING SYSTEM IN ORDER TO ENCOURAGE PROCUREMENT AND ELIMINATE NONCOMPETITIVE EXTENSIONS.

- CONTRACTING OFFICIALS THROUGHOUT THE GOVERNMENT HAVE RECEIVED, AND WILL CONTINUE TO RECEIVE, TRAINING IN PROCUREMENT AND PUBLIC-SECTOR ETHICS.

THESE STEPS HAVE BEEN TAKEN TO STRENGTHEN THE DISTRICT'S PROCUREMENT PROGRAM AND TO HELP BUILD A STRONG LOCAL ECONOMY. OFFICIALS OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES WILL BE ABLE TO PROVIDE A MORE DETAILED DISCUSSION OF THIS PROGRAM WHEN IT APPEARS BEFORE THE COMMITTEE.

HIGHLIGHTS OF THE FISCAL YEAR 1988 BUDGET REQUEST

LET ME BRIEFLY REVIEW WITH YOU THE KEY ELEMENTS OF OUR PROPOSED FY 1988 BUDGET. TO OFFER THE PUBLIC SERVICES REQUIRED IN FISCAL YEAR 1988, THE DISTRICT IS REQUESTING AN APPROPRIATED GENERAL FUND OPERATING BUDGET OF $2,618,242,000, AN INCREASE OF $157.1 MILLION OVER THE FISCAL YEAR 1987 APPROVED BUDGET.

ALLOCATED BY MAJOR PROGRAM FUNDING AREA, OUR PROPOSED BUDGET WILL PROVIDE:

- $695.7 MILLION (AN INCREASE OF $41.4 MILLION) FOR A BROAD RANGE OF HUMAN SUPPORT ACTIVITIES, FROM PROGRAMS FOR THE ELDERLY TO PRENATAL CARE FOR EXPECTANT MOTHERS;

- $140.5 MILLION (AN INCREASE OF $11.5 MILLION) FOR JOBS PROGRAMS, HOUSING PROGRAMS, BUSINESS AND CONSUMER PROGRAMS, AND ECONOMIC DEVELOPMENT INITIATIVES;

- $569.5 MILLION (AN INCREASE OF $28.2 MILLION) TO IMPROVE OUR PUBLIC EDUCATION SYSTEM, MAINTAIN OUR FINE COMMUNITY LIBRARIES, AND PROVIDE OTHER EDUCATION-RELATED ACTIVITIES;

- $654.3 MILLION (AN INCREASE OF $54.2 MILLION) TO ENSURE THE PUBLIC SAFETY AND ADEQUATELY SUPPORT OUR OVERBURDENED CRIMINAL JUSTICE SYSTEM;

- $211.4 MILLION (AN INCREASE OF $6.6 MILLION) TO MAINTAIN OUR STREETS, BEAUTIFY OUR PARKS, AND PROVIDE FOR A HOST OF PUBLIC WORKS NEEDS;

- $232.6 MILLION (AN INCREASE OF $9.4 MILLION) FOR A VARIETY OF FINANCING REQUIREMENTS, PRIMARILY INTEREST PAYMENTS; AND

- $114.3 MILLION (AN INCREASE OF $5.9 MILLION) OR JUST 4.4 PERCENT OF THE TOTAL FOR THE OVERHEAD FUNCTIONS OF GOVERNMENTAL DIRECTION AND SUPPORT.

NEARLY 75 PERCENT OF THIS OPERATING BUDGET REQUEST IS REQUIRED TO PROVIDE VITAL HUMAN SERVICES, ENHANCE EDUCATION, AND ENSURE PUBLIC SAFETY. LET ME HIGHLIGHT SOME OF THESE PROGRAMS AND SERVICES.

JOBS

FOR EVERY JOB WE CREATE AND FOR EVERY JOBLESS PERSON WE CAN TRAIN TO FILL IT AND KEEP IT, WE BUILD SELF-SUFFICIENCY, STRENGTHEN FAMILIES, AND MOVE FORWARD TOGETHER AS A SOCIETY.

WE ARE REQUESTING $39.1 MILLION FOR THE DEPARTMENT OF EMPLOYMENT SERVICES TO PROVIDE JOB PLACEMENT, JOB TRAINING, AND JOB COUNSELING PROGRAMS, AN INCREASE OF $6.9 MILLION OVER THE FY 1987 BUDGET.

AN INCREASE OF $2.2 MILLION IS REQUESTED FOR SUMMER AND YEAR-ROUND YOUTH EMPLOYMENT ACT PROGRAMS. ONCE AGAIN, WE WILL OFFER A SUMMER JOB TO EVERY YOUTH WHO WANTS ONE AND EXPAND RELEVANT IN-SCHOOL AND OUT-OF-SCHOOL WORK

EXPERIENCES AND JOB TRAINING BENEFITS FOR MORE THAN 19,000 YOUNG MEN AND WOMEN IN FY 1988--ALL SUPPORTED WITH LOCAL FUNDING OF $28.4 MILLION.

A NEW PROGRAM I WILL INITIATE IN FY 1988 IS A SPECIAL INITIATIVE FOR 12-AND 13-YEAR-OLD JUNIOR HIGH SCHOOL STUDENTS. I AM PROPOSING AN INCREASE OF $1 MILLION TO PROVIDE 2,500 JUNIOR HIGH SCHOOL STUDENTS WITH A SOLID FOUNDATION FOR A SMOOTH TRANSITION INTO EXISTING EMPLOYMENT PROGRAMS. THE PROGRAM WILL HAVE AN IMPACT ON YOUTHS BEFORE THEY ENTER THE WORK FORCE AS YOUNG ADULTS. THROUGH THE PARTICIPATION OF THIS AGE GROUP IN A POSITIVE AND STIMULATING ACTIVITY, THE PROGRAM MAY WELL ASSIST IN REDUCING JUVENILE DELINQUENCY, TEENAGE PREGNANCY, AND SUBSTANCE ABUSE, AS WELL AS ENCOURAGE STUDENTS TO COMPLETE THEIR HIGH SCHOOL EDUCATION.

OTHER INCREASES IN JOBS PROGRAMS INCLUDE $905,000 FOR THE WIN PROGRAM, WHICH HAS LOST FEDERAL SUPPORT. THIS FUNDING WILL PROVIDE 1,500 SELECTED AFDC RECIPIENTS, PRIMARILY FEMALE HEADS OF HOUSEHOLDS, WITH ASSISTANCE IN SECURING UNSUBSIDIZED EMPLOYMENT. AN ADDITIONAL $396,000 INCREASE WILL FUND THE NEW SINGLE MOTHERS ARE RESOURCES TOO (SMART) PROGRAM. THROUGH SMART, 120 PARENTS RECEIVING PUBLIC ASSISTANCE WILL BE TRAINED FOR JOBS IN THE CHILD-CARE FIELD WHILE THEY CARE FOR THEIR OWN CHILDREN.

HOUSING

EVERYONE NEEDS A PLACE TO CALL HOME. AN ATTRACTIVE, AFFORDABLE HOME FOR ALL CITIZENS, REGARDLESS OF PERSONAL FORTUNE, IS A KEY ELEMENT OF MY COMMITMENT TO THIS EFFORT.

THE DISTRICT HAS BECOME A NATIONAL LEADER IN OFFERING CREATIVE SOLUTIONS TO THE HOUSING NEEDS OF OUR CITIZENS. TO AUGMENT OUR ALREADY IMPRESSIVE EFFORTS, IN FISCAL YEAR 1988, WE ARE REQUESTING $44.1 MILLION, AN INCREASE OF $5.8 MILLION FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT. INCLUDED IN THE INCREASE IS $900,000 FOR A NEW HOUSING INITIATIVE -- THE HOUSING FINANCE FOR ELDERLY DEPENDENT AND DISABLED PROGRAM. THIS FUNDING WILL PROVIDE 150 UNITS FOR SPECIAL POPULATION GROUPS SUCH AS THE ELDERLY, THE

MENTALLY AND EMOTIONALLY HANDICAPPED, THE HOMELESS, AND AIDS PATIENTS. FUNDS WILL BE PROVIDED FOR DIRECT LOANS, OR IN TANDEM WITH BOND FINANCING OR PRIVATE LENDERS, TO DEVELOPERS OR PROVIDERS OF SPECIAL HOUSING NEEDS.

THIS NEW INITIATIVE, ALONG WITH EXISTING PROGRAMS, WHICH INCLUDE $2 MILLION FOR THE URBAN HOMESTEADING PROGRAM, $12.5 MILLION FOR THE TENANT ASSISTANCE PROGRAM, AND $7.1 MILLION FOR OUR HIGHLY SUCCESSFUL HOME PURCHASE ASSISTANCE PROGRAM, WILL GO A LONG WAY TOWARD REACHING OUR GOAL OF DECENT AND AFFORDABLE HOUSING.

TO IMPROVE THE QUALITY OF LIFE FOR PUBLIC HOUSING RESIDENTS, WE ARE REQUESTING AN INCREASE OF OVER $4 MILLION. AN INCREASE OF $3.1 MILLION IS REQUESTED TO LEASE PRIVATE-SECTOR UNITS IN ORDER TO HOUSE FAMILIES WHILE THEIR PUBLIC HOUSING UNITS ARE BEING MODERNIZED. AN INCREASE OF $1 MILLION IS REQUESTED TO TRAIN AND EMPLOY PUBLIC HOUSING RESIDENTS TO DO MAINTENANCE WORK IN THEIR OWN HOUSING DEVELOPMENTS. THESE TWO PROGRAMS ENHANCE TWO OF MY TOP PRIORITIES--THEY WILL PROVIDE JOBS AS WELL AS PROVIDE SAFE AND ATTRACTIVE HOMES.

PUBLIC EDUCATION

THE DISTRICT GOVERNMENT FULLY SUPPORTS THE BOARD OF EDUCATION AND OUR OUTSTANDING SUPERINTENDENT OF SCHOOLS IN THEIR EFFORTS TO PROVIDE THE VERY BEST FOR OUR STUDENTS. WE ALL SHARE THEIR COMMITMENT TO THE YOUTHS OF THIS CITY AND THE FUTURE THEY REPRESENT.

DESPITE THE CONTINUED FISCAL CHALLENGES PRESENTED BY PUBLIC SAFETY, EMPLOYMENT, HOUSING, HEALTH CARE, AND OTHER NEEDS, FUNDING TO IMPROVE EDUCATION IN THE CLASSROOM REMAINS A TOP PRIORITY. THUS, FOR FISCAL YEAR 1988, WE ARE RECOMMENDING AN APPROPRIATED BUDGET FOR THE BOARD OF EDUCATION OF $412.5 MILLION, AN INCREASE OF $26.1 MILLION AND 972 NEW POSITIONS.

THE PROPOSED TOTAL INCREASE FOR THE BOARD WILL BE SUFFICIENT TO MEET IMPORTANT OBJECTIVES AS: REDUCE CLASS SIZES, PURCHASE NEW TEXTBOOKS, PARTIALLY OFFSET

FEDERAL GRANT CUTS, FUND THE FINAL PHASE OF A THREE-YEAR PREKINDERGARTEN EXPANSION PROGRAM, EXPAND THE GIFTED AND TALENTED PROGRAM, PROVIDE MORE SPECIAL EDUCATION STAFF, EXPAND THE TEACHER INCENTIVE PROGRAM, AND IMPROVE SCHOOL MANAGEMENT TECHNOLOGY.

IN THE AREA OF HIGHER EDUCATION, A BUDGET OF $67.7 MILLION IS REQUESTED FOR THE UNIVERSITY OF THE DISTRICT OF COLUMBIA. INCREASED FUNDING OF $2.9 MILLION WILL ENABLE THE UNIVERSITY TO REGAIN ITS LOST ACCREDITATION FOR ITS ENGINEERING PROGRAM AND FUND OTHER MANDATORY COSTS. AN INCREASE OF $2.1 MILLION IS INCLUDED FOR THE D.C. SCHOOL OF LAW.

YOUTH PROGRAMS

THE FISCAL YEAR 1988 BUDGET FOCUSES SIGNIFICANT NEW RESOURCES ON OUR YOUNG PEOPLE OUTSIDE, AS WELL AS INSIDE, THE CLASSROOM. WE ARE REQUESTING AN INCREASE OF $1.9 MILLION, FOR PROJECT "OSAY" (OPERATING SERVICES ASSISTING YOUTH). UNDER THE MANAGEMENT OF THE DEPARTMENT OF RECREATION, THE OSAY PROGRAM WILL BE TARGETED AT YOUTHS, AGED 9-21, IN PUBLIC HOUSING DEVELOPMENTS BY PROVIDING RECREATIONAL SERVICES, CULTURAL ACTIVITIES, COUNSELING AND EMPLOYMENT, AND HEALTH AND DRUG PREVENTION PROGRAMS.

IN ADDITION, WE ARE REQUESTING $800,000 FOR THE MAYOR'S YOUTH LEADERSHIP INSTITUTE, WHICH WILL INVOLVE APPROXIMATELY 500 YOUNG PEOPLE FROM EVERY WARD OF THE CITY IN A VARIETY OF PERSONAL GROWTH AND COMMUNITY DEVELOPMENT PROJECTS, INCLUDING YOUTH LEADERSHIP TRAINING, YOUTH SEMINARS, AND YOUTH MENTOR PROGRAMS. AS I MENTIONED EARLIER WHEN I TALKED ABOUT JOBS PROGRAMS, WE ARE INITIATING A JOBS PROGRAM FOR 12-AND 13-YEAR-OLD JUNIOR HIGH SCHOOL STUDENTS TO ADVANCE THEIR CAREER PERSPECTIVE FOR THE FUTURE.

IN ADDITION, THE COMMISSION ON SOCIAL SERVICES IN THE DEPARTMENT OF HUMAN SERVICES WILL TAKE THE LEAD IN COORDINATING A JUVENILE JUSTICE INITIATIVE ACROSS DISTRICT AGENCIES THAT WILL TARGET EARLY INTERVENTION AND PREVENTION, AS WELL AS DIRECT SERVICES FOR DELINQUENT YOUTH.

I THINK IT IS ESSENTIAL TO CONCENTRATE OUR EFFORTS AND RESOURCES ON OUR YOUTHS AS THEY ARE OUR LEADERS OF THE FUTURE.

HUMAN SUPPORT

AS IN THE PAST, FUNDING TO MEET BASIC HUMAN NEEDS IS A KEY BUDGET PRIORITY. NO TURN OF ECONOMIC CIRCUMSTANCE NOR ANY FEDERALLY IMPOSED REDUCTIONS WILL EVER CAUSE THIS GOVERNMENT TO TURN ITS BACK ON THOSE WHO NEED IT THE MOST--THE ELDERLY, THE DESTITUTE, THE SEVERELY HANDICAPPED, AND OTHERS WHO MAY BE DOWN BUT WHO MUST NOT BE COUNTED OUT.

THUS, OUR FISCAL YEAR 1988 BUDGET REQUEST INCLUDES $64.4 MILLION TO PROVIDE INCOME MAINTENANCE BENEFITS FOR 19,800 AFDC FAMILIES PER MONTH; GENERAL PUBLIC ASSISTANCE TO ABOUT 5,200 RECIPIENTS A MONTH WHO ARE TEMPORARILY UNABLE TO WORK; SUPPLEMENTAL SECURITY INCOME BENEFITS FOR OVER 17,000 ELIGIBLE INDIVIDUALS PER MONTH; AND EMERGENCY FINANCIAL ASSISTANCE FOR AN ESTIMATED 12,500 FAMILIES AND INDIVIDUALS NEEDING SHORT-TERM HELP.

A TOTAL OF $6.9 MILLION IS FOR EMERGENCY ASSISTANCE, AN INCREASE OF $2.6 MILLION TO PROVIDE EMERGENCY ASSISTANCE TO FAMILIES AND INDIVIDUALS FACED WITH A TEMPORARY CRISIS. FOR OUR DAY-CARE AND FOSTER-CARE PROGRAMS, WE ARE REQUESTING AN INCREASE OF OVER $5 MILLION TO PROVIDE FOR THE YOUNG PEOPLE OF THIS COMMUNITY.

THIS REQUEST ALSO PROVIDES $146.4 MILLION FOR OUR MEDICAID AND MEDICAL CHARITIES PROGRAMS TO MAKE A WIDE RANGE OF HEALTH-CARE SERVICES, INCLUDING SKILLED AND INTERMEDIATE NURSING CARE, AVAILABLE TO APPROXIMATELY 98,000 NEEDY RESIDENTS. FURTHERMORE, THE REQUEST ALLOCATES $5 MILLION FOR MATERNAL AND CHILD CARE, AND IT TARGETS $3.6 MILLION, A 100 PERCENT INCREASE, FOR AIDS EDUCATION, TESTING, TREATMENT, AND PATIENT HOUSING.

TO EXPAND NEEDED SERVICES FOR THE ELDERLY, WE ARE PROPOSING A $12.6 MILLION BUDGET, AN INCREASE OF $2.3 MILLION FOR THE OFFICE ON AGING. THIS FUNDING WILL EXTEND GERIATRIC COUNSELING SERVICES, OPERATE A NEW SENIOR CITIZENS'

CENTER IN WARD 6, EXPAND LEARNING RESOURCES AND LITERACY EFFORTS, INSTITUTE A CALL-N-RIDE PROGRAM FOR THE LIMITED INCOME AND DISABLED ELDERLY, AND ESTABLISH FIVE NEW GROUP MEAL CENTERS IN WARDS 6, 7, AND 8.

THE $1.2 MILLION LATINO INITIATIVE THAT BEGAN LAST YEAR WILL CONTINUE IN THE FISCAL YEAR 1988 REQUEST. THE INITIATIVE INVOLVES TEN DISTRICT AGENCIES CHARGED WITH THE RESPONSIBILITY OF PROVIDING AND COORDINATING A WIDE RANGE OF BILINGUAL-BICULTURAL SOCIAL SERVICES, SUPPORTS A LATINO COMMUNITY BUSINESS ASSISTANCE CENTER AND LATINO EMPLOYMENT SERVICES CENTER, PROVIDES TRANSLATOR SERVICES IN THE COURTS, AND ENSURES 24-HOUR BILINGUAL EMERGENCY-RESPONSE SERVICES.

COMMUNITY MENTAL HEALTH PROGRAM

ON OCTOBER 1, 1987, THE DISTRICT WILL TAKE CONTROL OF SAINT ELIZABETHS HOSPITAL AND ASSUME RESPONSIBILITY FOR ALL PUBLIC MENTAL HEALTH-CARE SERVICES PROVIDED IN THE CITY. AT THAT TIME, WE WILL BEGIN IMPLEMENTING A COMPREHENSIVE COMMUNITY-BASED CARE SYSTEM THAT IS INTENDED TO DELIVER A FULL RANGE OF INPATIENT AND OUTPATIENT SERVICES. FURTHERMORE, IT WILL GIVE SPECIAL ATTENTION TO THOSE WHO FREQUENTLY ARE UNDERSERVED---THE CHRONICALLY MENTALLY ILL AND THEIR FAMILIES, THE HOMELESS MENTALLY ILL, EMOTIONALLY DISTURBED CHILDREN AND THEIR FAMILIES, AND THE ELDERLY.

THE FISCAL YEAR 1988 BUDGET REQUESTS $159 MILLION TO ENSURE THAT OUR COMPREHENSIVE MENTAL HEALTH PLAN FOR THE DISTRICT IS FULLY IMPLEMENTED IN ACCORDANCE WITH PUBLIC LAW 96-621, THE SAINT ELIZABETHS HOSPITAL AND DISTRICT OF COLUMBIA MENTAL HEALTH SYSTEM ACT OF 1984. THIS BUDGET REFLECTS THE DISTRICT'S COMMITMENT TO COMMUNITY-BASED CARE AS THE MOST COMPASSIONATE AND EFFECTIVE MEANS OF TREATING THE MENTALLY ILL. IT PROVIDES THE SUPPORT SERVICES NECESSARY TO ALLOW THOSE PATIENTS WHO DO NOT REQUIRE HOSPITALIZATION TO RECEIVE THE PROFESSIONAL ASSISTANCE THEY NEED WHILE BENEFITING FROM THE EVERYDAY PLEASURES OF FRIENDS AND NEIGHBORHOOD LIFE.

AS I HAVE NOTED, A MAJOR REMAINING PROBLEM IN THE TRANSFER OF SAINT ELIZABETHS HOSPITAL TO THE DISTRICT IS THE FUNDING NEEDED TO RENOVATE THE OLD AND DETERIORATED BUILDINGS AT SAINT ELIZABETHS. AS I INDICATED EARLIER, THE FEDERAL GOVERNMENT SHOULD PAY MORE THAN $26 MILLION OF THE $85 MILLION NEEDED TO RENOVATE THOSE FACILITIES. AFTER ALL, THE UPKEEP OF THOSE BUILDINGS WAS THE FEDERAL GOVERNMENT'S RESPONSIBILITY, AND IT IS UNFAIR TO MAKE THE DISTRICT SHARE THE LARGEST PORTION OF THE RENOVATION COST.

PUBLIC SAFETY

MANDATORY PROGRAMS AND COURT ORDERS HAVE DRIVEN UP OUR PUBLIC SAFETY BUDGET. AN INCREASE OF MORE THAN $20 MILLION AND 204 NEW POSITIONS IS REQUESTED FOR THE METROPOLITAN POLICE DEPARTMENT. THE ADDITIONAL FUNDING WILL SUSTAIN THE OPERATION CLEAN SWEEP-STYLE DRUG ERADICATION EFFORTS, PUT MORE UNIFORMED OFFICERS ON THE NEIGHBORHOOD BEAT BY EMPLOYING CIVILIANS IN NON-POLICE JOBS, EXPAND A VARIETY OF CRIME-FIGHTING ACTIVITIES, AND ADD 75 NEW POSITIONS TO THE POLICE CADET PROGRAM.

AN INCREASE OF $18.7 MILLION AND 366 NEW POSITIONS IS REQUESTED FOR THE DEPARTMENT OF CORRECTIONS. THIS INCREASE WILL PROVIDE 248 MORE CORRECTIONAL OFFICERS TO STRENGTHEN SECURITY; IMPROVE HEALTH-CARE SERVICES FOR INMATES; AND FUND A CADRE OF PSYCHOLOGICAL, VOCATIONAL, AND REHABILITATION PROGRAMS TO MEET INDIVIDUAL DEVELOPMENTAL NEEDS. IT ALSO INCLUDES FUNDING FOR THE CONTINUATION OF THE SPECIAL EDUCATION AND VOCATIONAL PROGRAMS AT THE LORTON FACILITY THAT HAVE BEEN IMPLEMENTED WITH SPECIAL FEDERAL CONTRIBUTIONS.

THE INCREASE OF $4.7 MILLION AND 67 NEW POSITIONS REQUESTED FOR THE FIRE DEPARTMENT REFLECTS MY COMMITMENT TO ENHANCE THE EMERGENCY AMBULANCE SERVICE. INCLUDED IN THE INCREASE ARE FUNDS TO PROVIDE INCREASED EMERGENCY MEDICAL TRAINING, PROVIDE ADDITIONAL AMBULANCE TRAINING

EQUIPMENT, FUND A DEVELOPMENT PLAN TO MODERNIZE THE RADIO COMMUNICATIONS SYSTEM, AND ADD 50 NEW SLOTS FOR THE FIRE CADET PROGRAM. THE TRAINING PROGRAM WILL CONSIST OF AN EMERGENCY MEDICAL DEGREE PROGRAM AFFILIATED WITH THE UNIVERSITY OF THE DISTRICT OF COLUMBIA TO PROVIDE PARAMEDIC TRAINING. AN ASSOCIATE DEGREE WILL BE OBTAINED AFTER COMPLETING THE PARAMEDIC PROGRAM. THIS WILL PROVIDE ENHANCED TRAINING AT BOTH THE INTERMEDIATE AND PARAMEDIC LEVELS. IN ADDITION, THE DEPARTMENT WILL CONTRACT WITH A HOSPITAL TO RECERTIFY APPROXIMATELY 200 EMERGENCY MEDICAL PERSONNEL EACH YEAR IN CARDIAC LIFE-SAVING TECHNIQUES.

PUBLIC WORKS

WHILE THE TOP PRIORITY HAS BEEN SERVICE DELIVERY TO THE CITIZENS OF THIS CITY, SUCH AS HOUSING, JOBS, EDUCATION AND HUMAN SUPPORT NEEDS, OF EQUAL IMPORTANCE IS THE MAINTENANCE OF THE DISTRICT'S PHYSICAL INFRASTRUCTURE. THE FY 1988 BUDGET INCLUDES AN INCREASE OF OVER $5 MILLION TO MEET SUCH INFRASTRUCTURE NEEDS AS SIDEWALK MAINTENANCE, BRIDGE MAINTENANCE, STREET AND ALLEY CLEANING, AND POTHOLE REPAIR. THE CAPITAL BUDGET REQUEST OF $75.6 MILLION CONTINUES THIS EFFORT WITH CAPITAL AUTHORITY REQUESTED FOR STREET RESURFACING, HIGHWAY RESURFACING, BRIDGE REHABILITATION, AND ROADWAY RESURFACING. THE INCREASE IN THE WMATA BUDGET WILL PROVIDE $2.2 MILLION IN ADDITIONAL FUNDS FOR THE BUS OPERATION.

CAPITAL BUDGET REQUEST

THE CAPITAL BUDGET REQUEST IS $277.2 MILLION IN NEW AUTHORITY. IT INCLUDES 84 PROJECTS FOR SUCH DIVERSE NEEDS AS SCHOOL BUILDING RENOVATIONS AND GENERAL IMPROVEMENTS, PUBLIC HOUSING RENOVATIONS, BRIDGE AND STREET REPAIR, FIRE APPARATUS, IMPROVEMENTS AT CORRECTIONS FACILITIES, RENOVATION OF RECREATION FACILITIES, AND METRORAIL CONSTRUCTION. THE $277.2 MILLION IN NEW AUTHORITY WILL BE FINANCED BY $259 MILLION IN GENERAL OBLIGATION BONDS, AS OUR DEBT SERVICE CAPACITY ALLOWS, $4 MILLION IN GENERAL FUND REVENUES AND $14 MILLION IN SPECIAL FEDERAL GRANTS.

OUTSTANDING FEDERAL ISSUES

I CANNOT END MY STATEMENT WITHOUT ONCE AGAIN EXPRESSING MY CONCERN ABOUT OUTSTANDING FEDERAL ISSUES THAT REMAIN UNRESOLVED.

ONE SUCH ISSUE IS THE FORMULA-BASED FEDERAL PAYMENT THAT I MENTIONED EARLIER. WE PROPOSED MORE THAN FOUR YEARS AGO A FORMULA THAT WOULD SET THE PAYMENT AT 35 PERCENT OF THE SECOND PRECEDING YEAR'S AUDITED LOCAL TAX REVENUE. THOUGH THE PRESIDENT'S FY 1985 BUDGET SUPPORTED IN PRINCIPLE A FORMULA PAYMENT, WE HAVE YET TO RECEIVE AN OFFICIAL COMMUNICATION OR RESPONSE FROM THE ADMINISTRATION ON OUR PROPOSED FORMULA.

IN LIGHT OF THE ADMINISTRATION'S APPARENT RELUCTANCE TO MOVE FORWARD ON THIS ISSUE, IT IS MY INTENTION TO SEEK THE ASSISTANCE OF THE CONGRESS IN ESTABLISHING A FORMULA-BASED PAYMENT. WE ARE WILLING TO WORK WITH THE CONGRESS ON THE DEVELOPMENT OF A MUTUALLY ACCEPTABLE AND REASONABLE ALTERNATIVE FORMULA. I HOPE THAT THIS COMMITTEE WILL WORK WITH US ON THIS INITIATIVE.

THE SECOND IS THE REPAYMENT OF THE GENERAL FUND DEFICIT. BECAUSE OF THE SEVERITY OF THE PROBLEM, AS WELL AS ITS HAVING MULTIPLE CAUSES, I PROPOSED A COMPREHENSIVE DEFICIT-REDUCTION PLAN IN FY 1983 THAT WOULD INVOLVE BOTH THE DISTRICT AND THE FEDERAL GOVERNMENTS. THE PLAN CALLED FOR THE DISTRICT TO ELIMINATE ONE-THIRD OF THE DEFICIT THROUGH BUDGETARY MEANS, ANOTHER THIRD THROUGH A SPECIAL FEDERAL PAYMENT MATCHING THE DISTRICT'S EFFORTS, AND THE REMAINING THIRD THROUGH THE ISSUANCE OF SPECIFIC DEFICIT-REDUCTION BONDS BY THE DISTRICT.

THE STEADY DECLINE IN THE DEFICIT IS THE RESULT OF UNILATERAL ACTIONS TAKEN BY THE DISTRICT TO PLAN AND ACHIEVE AN EXCESS OF REVENUES OVER EXPENDITURES DURING EACH OF THE PAST SIX YEARS. IN ORDER TO REALIZE THE SECOND AND THIRD OBJECTIVES OF THE PLAN, APPROVAL OF THE RELEVANT LEGISLATION REMAINS A HIGH PRIORITY OF THE DISTRICT'S LEGISLATIVE AGENDA.

THE THIRD AND FOURTH OUTSTANDING ISSUES ARE THE TWO PROPOSALS RECOMMENDED BY OMB THAT ARE INCLUDED IN THE PRESIDENT'S FY 1988 BUDGET. ONE IS THE REQUIREMENT THAT THE DISTRICT PAY THE EMPLOYER'S SHARE OF HEALTH BENEFIT PREMIUMS OF DISTRICT ANNUITANTS. I STRONGLY OBJECT TO THIS BECAUSE THE DISTRICT SHOULD NOT HAVE TO PAY THE COSTS OF A HEALTH BENEFIT PLAN THAT IT NEITHER DESIGNED NOR REQUESTED. MOREOVER, MANY OF THE ANNUITANTS WHO RETIRED AT THE TIME OF HOME RULE SHOULD BE CONSIDERED FEDERAL EMPLOYEES, AS WELL AS THOSE EMPLOYEES ON THE PAYROLL AT THE TIME OF HOME RULE BUT WHO SUBSEQUENTLY RETIRED. THEREFORE, THE COST OF THESE HEALTH BENEFIT PREMIUMS SHOULD BE THE RESPONSIBILITY OF THE FEDERAL GOVERNMENT. THE ESTIMATE BY OMB IS THAT THIS WOULD COST $9 MILLION IN FY 1988, WHICH IS NOT INCLUDED IN OUR FY 1988 BUDGET.

THE SECOND PROPOSAL BY OMB IS THAT THE DISTRICT BEGIN TO PAY ALL THE NET NORMAL COSTS OF EMPLOYEES PARTICIPATING IN THE CIVIL SERVICE RETIREMENT SYSTEM, ADDING TWO PERCENTAGE POINTS IN FY 1988 TO OUR CURRENT CONTRIBUTION RATE AND TWO PERCENTAGE POINTS EACH YEAR THEREAFTER FOR THE NEXT FOUR YEARS. THIS WOULD COST THE DISTRICT ABOUT $10 MILLION IN FY 1988, AN AMOUNT THAT ALSO IS NOT INCLUDED IN OUR FY 1988 BUDGET. THE DISTRICT SHOULD BE ALLOWED TIME TO PROPERLY PLAN RETIREMENT FINANCING IN ORDER TO PROVIDE FOR A SMOOTH AND EQUITABLE TRANSITION. WE ARE GOING TO OPPOSE ANY LEGISLATION ON THESE TWO PROPOSALS UNTIL THE DISTRICT HAS ASSURANCES FROM THE CONGRESS THAT IT WILL ASSIST IN FUNDING THE FEDERAL EMPLOYEES WHO RETIRED AND WERE ON BOARD AT THE TIME OF HOME RULE.

THE DISTRICT, IN ACCORDANCE WITH FEDERAL LEGISLATION PASSED IN 1986, IS PREPARING TO OFFER A NEW SYSTEM OF HEALTH, LIFE, AND RETIREMENT BENEFITS TO EMPLOYEES HIRED AFTER OCTOBER 1, 1987. THIS SYSTEM, WHICH WE ESTIMATE WILL COVER 3,000 EMPLOYEES IN FY 1988, IS IN ITS FINAL STAGES OF DEVELOPMENT AND WILL REPRESENT THE BEST BENEFITS SYSTEM THAT THE DISTRICT CAN AFFORD. WE WILL BE BRINGING YOU DETAILS OF THE COSTS AND THE BENEFITS LATER THIS YEAR. IMPLEMENTATION OF THIS SYSTEM WILL ULTIMATELY RESULT IN

THE ELIMINATION OF DISTRICT EMPLOYEES FROM FEDERAL BENEFIT SYSTEMS WITHOUT BURDENING THE DISTRICT WITH PRE-HOME RULE BENEFIT LIABILITIES.

LET ME SAY THAT WE MUST RESOLVE THE OUTSTANDING ISSUES OF FEDERAL-LOCAL FISCAL RELATIONS AND MOVE FORWARD TOGETHER TO EVEN MORE RESPONSIBLE FINANCIAL MANAGEMENT.

SUMMARY

I VIEW THE PROPOSED FISCAL YEAR 1988 BUDGET REQUEST AS A $2.6 BILLION COMMITMENT TO THE PEOPLE OF THE DISTRICT OF COLUMBIA--A COMMITMENT TO PUBLIC SERVICE EXCELLENCE. THE CITIZENS OF THE DISTRICT DESERVE IT, AND I AND THE MEMBERS OF THE COUNCIL WILL BE SATISFIED WITH NOTHING LESS.

I AM PROUD OF THE LEADERSHIP MY ADMINISTRATION HAS PROVIDED OUR YOUNG HOME RULE GOVERNMENT. THROUGHOUT THE PAST EIGHT YEARS, I HAVE DEMANDED SOUND FISCAL AND PROGRAM MANAGEMENT FROM OUR PUBLIC SERVANTS, AND WHEN NECESSARY, I HAVE MADE WHATEVER CHANGES WERE NEEDED TO ACHIEVE IT. MY ADMINISTRATION HAS BROUGHT TO THIS CITY AN ASSURANCE OF BALANCED BUDGETS, YEAR AFTER YEAR. MOREOVER, OUR ACHIEVEMENTS IN FINANCIAL REPORTING ARE NATIONALLY RECOGNIZED, AND OUR LOCAL COMMITMENTS TO JOBS AND HOUSING ASSISTANCE ARE UNMATCHED ANYWHERE. WE HAVE MADE TREMENDOUS PROGRESS. STILL, WE FACE MANY CHALLENGES. NEVERTHELESS, I BELIEVE THAT WE POSSESS THE FISCAL AND HUMAN RESOURCES TO MEET THOSE CHALLENGES AND MAKE OUR DREAM OF A BETTER WASHINGTON, D.C., A REALITY.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, THANK YOU FOR YOUR CONSIDERATION OF OUR REQUEST. I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

COUNCIL OF THE DISTRICT OF COLUMBIA

STATEMENT OF DAVID A. CLARKE, CHAIRMAN

Senator HARKIN. David Clarke, the Honorable David Clarke, Chairman of the Council of District of Columbia. Mr. Clarke.

Mr. CLARKE. Mr. Chairman, thank you very much, and members of this subcommittee.

I will summarize my statement, if you will allow, and I would like to ask the full text to be placed in the record.

The budget was submitted by the Mayor to the Council on February 2. The Council moved expeditiously through the limited 50-day period which was granted to it by the Home Rule Act to consider the Mayor's request for budget allocations.

The Council's actions incorporated 59 million dollars' worth of changes to the proposal that had been presented to us, in increases and decreases. The most major actions eliminated the need for income tax increase, which would have resulted from conformity of our local laws to the passage by the Congress of the new federal income tax law.

As a result, income taxes will not be increased in fiscal year 1988 as a result of income tax conformity.

For the fifth straight time, and I speak rather proudly of this, the Council has amended the Mayor's proposal to provide for an additional repayment to the general fund deficit which was accumulated prior to Home Rule. The Council has also amended the budget request to ask that the federal payment be restored to the $444.5 million level that it is for fiscal year 1987, and that the $19.5 million restoration be allocated solely to the repayment of the general fund deficit.

If that is done, the total deficit repayment allocation in the fiscal year 1988 budget will be almost $21 million.

In prior discussion and colloquy with the Mayor about the water and sewer payments, there was some discussion of the philosophy of the federal government paying what other person's pay. We have assessed the property of the federal government in the District of Columbia and if it were paying what the commercial taxpayer was paying in the District of Columbia for that property, its tax bill would be over $1 billion a year. So the $445——

Senator HARKIN. The property tax?

Mr. CLARKE. The property tax bill alone. If you add to that the loss of income tax revenues by virtue of various laws that the Congress has passed and the cost of services provided, it would go much higher. But that points out that the $444.5 million is less than half of what the bill would be.

Now obviously, if the federal government were paying its full share, I think the rate would be lower for everybody, so it would not quite be that high, but it would be much higher than what it is.

In other respects, the fiscal year 1988 budget continues to emphasize the priorities of the Council and the Mayor. It allocates increased resources for youth, elderly, disabled, sick, infirm, mentally ill, unemployed, underemployed, tenant assistance and drug assistance programs, as well as it marks the first year of the District assuming the operations of St. Elizabeths Hospital, and includes a gross mental health budget of $161.3 million.

REQUEST FOR THE D.C. SCHOOL OF LAW

One of the changes that the Council did make to the budget was to provide appropriations to a law that we passed, which was not vetoed, and which did survive the congressional review process, and that is the creation of an independent law school for the District of Columbia. The budget proposal provides $2.1 million for fiscal year 1988 for that purpose as well as capital authority of $500,000.

I might add, as a note, in the fiscal year 1987 budget, there is $1.4 million for the law school, but it is in the budget of the University of the District of Columbia. That is because at the time that we were considering the fiscal year 1987 budget, we thought that is where the law school would wind up. After the legislative process resolved itself at the Council and Mayoral level, the school wound up being an independent law school.

Accordingly, there is hope that at some time we might be able to use some of those moneys that we have already budgeted for a law school in the budget of the independent law school.

COMPREHENSIVE BUDGET REVIEW BY THE COUNCIL

The budget enacted by the Council reflects the product of an intense and comprehensive review period as well as an historic compromise between the Council and the Mayor. Our committees carefully reviewed the Mayor's budget request for the agencies and made surgical and tactical changes and adjustments. Many of these changes were the result of thorough analysis of past spending patterns and through this effort to overlay reality on the agency budget request, we were able to find reductions which would be made without program reductions.

As I said before, we made 59 million dollars' worth of changes in that budget. At the same time we were able to avoid the income tax increase.

The entire budget process was undertaken in the context of great uncertainty, however, due to conditions beyond our control. That basically is the potential reduction that might come from federal budget reductions caused by either specific program changes or automatic cuts.

Conservative estimates of reductions that would be caused by either in the neighborhood of $70 million. Unlike other cities, where we can go to the state capital to get some relief, we do not have that capability. We will have to bear it all.

Thus, while the budget provides program increases targeted to people in need including increased resources for housing, public assistance, foster care, day care, education, and police and fire protection, it does not explicitly anticipate all that may fall our way during the fiscal year that it addresses because of the potentiality of federal budget changes.

PREPARED STATEMENT

This concludes my testimony, Mr. Chairman. I will be glad to answer any questions you may have.

[The statement follows:]

STATEMENT OF DAVID A. CLARKE

MR. CHAIRMAN, AND OTHER DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE, I AM DAVID A. CLARKE, CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA. I AM HERE TODAY ON BEHALF OF THE COUNCIL TO TESTIFY ON THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1988 BUDGET REQUEST AS ENACTED BY THE COUNCIL ON MARCH 17, 1987 AND SUBSEQUENTLY SIGNED BY THE MAYOR.

THE BUDGET ENACTED BY THE COUNCIL TOTALS ALMOST $3 BILLION IN BUDGET AUTHORITY. OF THIS AMOUNT, $2.6 BILLION IS ALLOCATED IN FISCAL YEAR 1988 TO THE DISTRICT'S GENERAL FUND, $270 MILLION TO CAPITAL OUTLAY WITHIN THE GENERAL FUND, AND $169 MILLION TO THE WATER AND SEWER ENTERPRISE FUND FOR OPERATIONS AND CAPITAL CONSTRUCTION. THE COUNCIL ALSO ALLOCATED $5 MILLION TO THE LOTTERY AND CHARITABLE GAMES CONTROL BOARD FOR ITS OPERATING NEEDS, AND CONTINUES TO SUPPORT A CABLE TELEVISION ENTERPRISE FUND WITH ESTIMATE REVENUES TOTALING $250,000 TO OVERSEE AND COORDINATE THE PROCESS OF BRINGING CABLE COMMUNICATIONS TO RESIDENTS OF THE NATION'S CAPITAL.

THE BUDGET WAS SUBMITTED BY THE MAYOR TO THE COUNCIL ON FEBRUARY 2, 1987 TO COINCIDE WITH THE SUBMISSION OF THE DISTRICT'S ANNUAL FINANCIAL REPORT. THE COUNCIL MOVED EXPEDITIOUSLY THROUGH THE REVIEW OF THE BUDGET DURING THE LIMITED 50-DAY PERIOD GRANTED TO IT FOR REVIEW BY THE HOME RULE ACT. THE COUNCIL INCORPORATED $59 MILLION IN LINE-ITEM DECREASES AND INCREASES. THE COUNCIL'S ACTIONS ELIMINATED THE NEED FOR AN INCOME TAX INCREASE WHICH WOULD HAVE RESULTED FROM CONFORMITY WITH THE INCOME TAX CHANGES MADE BY THE CONGRESS TO THE FEDERAL INCOME TAX. TOTAL INCOME TAXES WILL NOT BE INCREASED IN FISCAL YEAR 1988 AS A RESULT OF TAX CONFORMITY.

FOR THE FIFTH STRAIGHT YEAR THE COUNCIL HAS AMENDED THE MAYOR'S PROPOSAL TO PROVIDE FOR REPAYMENT OF A PORTION OF THE GENERAL FUND DEFICIT ALTHOUGH THIS YEAR THAT ALLOCATION IS A RATHER MODEST $882 THOUSAND. THE ALLOCATION IS SMALLER THAN THE BUDGET OF PREVIOUS YEARS BECAUSE THE COUNCIL WAS STRUGGLING TO AVOID ANY INCOME TAX INCREASE AS I HAVE NOTED. HOWEVER, THE COUNCIL HAS AMENDED THE BUDGET REQUEST TO ASK THAT THE FEDERAL PAYMENT BE RESTORED TO THE $444.5 MILLION LEVEL AND THAT THE $19.5 MILLION RESTORATION BE ALLOCATED SOLELY TO THE REPAYMENT OF THE GENERAL FUND DEFICIT. WITH THAT AMOUNT THE TOTAL DEFICIT REPAYMENT ALLOCATION WOULD BE ALMOST $21 MILLION.

IN OTHER RESPECTS, THE FISCAL YEAR 1988 BUDGET CONTINUES TO EMPHASIZE THE PRIORITIES OF THE COUNCIL AND MAYOR. THE 1988 BUDGET ALLOCATES INCREASED PROGRAM RESOURCES FOR YOUTH, THE ELDERLY, THE DISABLED, THE SICK, THE INFIRM, THE MENTALLY ILL, THE UNEMPLOYED AND UNDEREMPLOYED, TENANT ASSISTANCE AND DRUG REHABILITATION PROGRAMS. THIS BUDGET ALSO MARKS THE FIRST YEAR OF THE DISTRICT ASSUMING THE OPERATIONS OF ST. ELIZABETHS HOSPITAL AND INCLUDES A GROSS MENTAL HEALTH BUDGET OF $161.3 MILLION.

THE BUDGET REQUEST ALSO CONTAINS FUNDING FOR A NEW POLICY INITIATIVE TO CREATE A PUBLIC SCHOOL OF LAW. THE BUDGET PROPOSAL INCLUDES OPERATING FUNDS IN THE AMOUNT OF $2.1 MILLION AND ALSO CAPITAL AUTHORITY OF $500,000. THE LAW SCHOOL WILL PRESERVE A TRADITION OF CLINICAL LAW STUDY AND PROVIDE LEGAL SERVICES TO THE UNDERSERVED.

IN THIS REGARD, I WOULD LIKE TO NOTE THAT THE MAJORITY OF MEMBERS OF THE COUNCIL, MYSELF INCLUDED, WOULD APPRECIATE IT VERY MUCH IF THE CONGRESS WOULD ADOPT A TECHNICAL AMENDMENT TO THE FISCAL YEAR 1987 BUDGET TRANSFERING THE $1.1 MILLION WHICH IS NOW IN THE BUDGET FOR A LAW SCHOOL AT THE UNIVERSITY OF THE

DISTRICT OF COLUMBIA TO THE DISTRICT OF COLUMBIA LAW SCHOOL. THE CHANGE IN APPROACH FROM THE CREATION OF A LAW SCHOOL AS PART OF THE UNIVERSITY TO THE CREATION OF AN INDEPENDENT LAW SCHOOL CAME AFTER THE PASSAGE OF THE FISCAL YEAR 1987 BUDGET, AND WE HAVE NOT YET RECEIVED A FISCAL YEAR 1987 SUPPLEMENTAL BUDGET REQUEST. IF THE PROJECT IS TO REALIZE ITSELF, IT IS URGENT THAT THE TRANSFER BE MADE AS QUICKLY AS POSSIBLE.

THE BUDGET ENACTED BY THE COUNCIL REFLECTS THE PRODUCT OF AN INTENSE AND COMPREHENSIVE REVIEW PERIOD AS WELL AS AN HISTORIC COMPROMISE BETWEEN THE COUNCIL AND MAYOR. THE COUNCIL'S STANDING COMMITTEES CAREFULLY REVIEWED THE BUDGET REQUEST OF THE AGENCIES UNDER THEIR PERVIEW AND MADE SURGICAL AND TACTICAL CHANGES AND ADJUSTMENTS. MANY OF THESE CHANGES WERE THE RESULT OF COUNCIL ANALYSIS OF PAST SPENDING PATTERNS AND THROUGH THIS EFFORT TO OVERLAY REALITY ON THE AGENCY BUDGET REQUEST THE COUNCIL WAS ABLE TO FIND REDUCTIONS WHICH COULD BE MADE WITHOUT PROGRAM REDUCTIONS.

AT THE SAME TIME THE COUNCIL INFORMALLY INDICATED IT'S OBJECTION TO THE PROPOSED INCOME TAX INCREASE. IN THE END THE MAYOR AND COUNCIL WORKED TOGETHER TO FURTHER REDUCE THE BUDGET REQUEST AND ELIMINATE THE TAX INCREASE.

THE ENTIRE BUDGET PROCESS WAS UNDERTAKEN WITHIN THE CONTEXT OF GREAT UNCERTAINTY DUE TO THE POTENTIAL REDUCTIONS STEMMING FROM FEDERAL BUDGET REDUCTIONS CAUSED BY EITHER SPECIFIC PROGRAM CHANGES OR THE AUTOMATIC CUTS OF GRAMM-RUDMAN-HOLLINGS. CONSERVATIVE ESTIMATES OF REDUCTIONS CAUSED BY EITHER ARE IN THE NEIGHBORHOOD OF $70 MILLION AND UNLIKE OTHER CITIES -- WHERE LOSSES MAY BE REPLACED BY STATE RESOURCES -- THE DISTRICT HAS NO STATE CAPITAL TO TURN TO. WE ARE A STATE, COUNTY AND LOCAL GOVERNMENT AND AS SUCH, MAY BE HURT MORE THAN OTHER URBAN COMMUNITIES WHO CAN LOOK TO OTHER

SOURCES FOR RELIEF. MOREOVER, SPENDING IN SEVERAL MANDATED PROGRAMS AREAS SUCH AS PENSIONS, THE CORRECTIONAL SYSTEM, AND DEBT SERVICE CONTINUE TO ESCALATE AND REQUIRE THAT PROGRAM EXPANSIONS AND NEW INITIATIVES MUST BE RESTRAINED DESPITE AN IMPROVED LOCAL ECONOMIC FORECAST.

THUS WHILE THE BUDGET PROVIDES PROGRAM INCREASES TARGETED TO PEOPLE IN NEED INCLUDING INCREASED RESOURCES FOR HOUSING, PUBLIC ASSISTANCE, FOSTER CARE, DAY CARE, EDUCATION, AND POLICE AND FIRE PROTECTION, IT DOES NOT EXPLICITLY ANTICIPATE THE DIFFICULTIES WHICH MAY BEFALL THE DISTRICT THROUGH FEDERAL CHANGES.

A FURTHER COMPLICATION REVOLVES AROUND THE FEDERAL PAYMENT WHICH, AS I HAVE ALREADY NOTED, THE PRESIDENT HAS PROPOSED A FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA OF $425,000,000, A DECREASE OF $19,500,000 BELOW THE FY 1987 PAYMENT OF $425,000,000. AS YOU ARE AWARE THE THE FEDERAL PAYMENT IS PROVIDED TO THE DISTRICT IN LIEU OF REVENUE WHICH IS LOST DUE TO THE PRESENCE OF THE FEDERAL GOVERNMENT AND FOR SERVICES PROVIDED TO THE FEDERAL GOVERNMENT WITHIN THE CONTEXT OF THE EXTRAORDINARY RESPONSIBILITIES PLACED UPON THE DISTRICT AS THE NATION'S CAPITAL. THOSE LOST REVENUES, DUE TO THE FEDERAL PRESENCE AND POLICIES, ARE ESTIMATED TO BE ALMOST $1.3 BILLION IN FISCAL YEAR 1988. THE REQUEST OF THE COUNCIL TO RESTORE THE REDUCTION TO THE FEDERAL PAYMENT TO PROVIDE FOR THE REPAYMENT OF THE DEFICIT IS IN LINE WITH THE PRIORITIES OF THIS COMMITTEE AND, I BELIEVE, A FAIR ONE AND I URGE YOUR SUPPORT FOR OUR REQUEST IN THIS REGARD AND YOUR SUPPORT OF THE ENTIRE BUDGET REQUEST.

THIS CONCLUDES MY TESTIMONY MR. CHAIRMAN. I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

PRIDE IN PROGRESS OF DISTRICT

Senator HARKIN. Mr. Clarke, thank you very much. Mayor Barry, thank you for your fine testimony.

I just want to say, in response to what your ending comments were about the District of Columbia, I first came here in 1969, right after the riots I guess of 1968, it would have been. I had been living here for 3 years, I went back to Iowa and came back again in 1975. So I have seen what has happened in the District since that time, the changes that have occurred since then are just remarkable.

This city has come light-years distance from the 1960's. You and the Council members, and all of you working together are to be congratulated. As an American citizen, I am very proud of what has happened in the District of Columbia.

Mayor BARRY. Thank you, sir.

Let me just point out, Senator, that Pennsylvania Avenue, which is America's Avenue, is almost finished. Even though the Pennsylvania Avenue Development Corp. has the responsibility for awarding the development rights, the city has the responsibility of doing the inspections and giving the permits. We have given top priority to making sure that those buildings go up in record time.

The commercially assessed market value of our city was about $3 billion in 1979, bringing in about $70 million in commercial property taxes. It is now about $16 billion and bringing in about $275 million. So not only do you see the physical change, but that change is also producing a more stable economic base for the District, which will enable us to offer a job for every young person, and some other things.

So I am just happy about what has happened Senator. Most foreign governments are very centralized and you judge the nature of the country by how the government's capital looks. So when foreigners come here, they do not understand how decentralized we are.

That is why I take great pride in trying to make Washington look good. Crime is down 26 percent, so that it can make America look good in the process.

Senator HARKIN. By the way, let me just state for the record that Senator Lautenberg was here and he had to leave to chair the Transportation Subcommittee of Appropriations, but obviously he has some intense interest in the transportation system here, in the Metro.

Mayor BARRY. I would like to talk with him about it personally.

MAYOR BARRY'S COMMENTS ON ANTIOCH LAW SCHOOL

Senator HARKIN. I just have a few questions I would like to go over with you, Mr. Mayor. A couple concerning the Antioch Law School, which you brought up, Mr. Clarke, in your testimony. Let me just ask you this, would not the loss of Antioch Law School leave a gap in legal services to the District residents and reduce opportunities for minority students, if we lost Antioch?

Mayor BARRY. Mr. Chairman, there is a disagreement on that issue between the Council and myself. To provide a little history, I was here when Jean Ager Cohen started the law school. We worked hard with the OAO and others to get the money. I have been a strong supporter of clinical law. Also, I have been a strong supporter of advocacy law.

That was when nobody was doing it except Howard University. Now there are six law schools that offer clinical legal training. Howard University is losing students; they have vacant seats at the university.

I believe in a public law school. I believe that the kind of training that one learns at Antioch ought to be taught in most law schools. My problem is whether or not, with all the number of seats available in Washington for law students, if it would be better to offer a grant to attend law school. I have sent to the Council a bill which gives, I think, a $10,000 grant to students to go to law school, with the understanding that they come back and give a year and a half of service for each year of the grant.

That is the better way to go at this time, particularly since the University of the District of Columbia has its set of problems. I think it needs to strengthen the engineering school; it needs to train more nurses, and train more math and science teachers.

The Council and I disagree on this point, not in whether we ought to have it, but the timing of it. I did not veto the bill for two reasons. One, a number of my friends were supportive of it and I would have been overridden anyway, so I am a practical politician.

So the bill went into law without my signature. I am not in favor of funding a public law school at this time. I am going to carry out the law, which requires me to convene an interim board of directors. Once the law is passed, I am going to do it, but I think that we do not need it.

Mr. Chairman, I would like to submit for the record a report of a select advisory committee which was chaired by Lyle Carter and included a former Corporation Council, a superior court judge, and others, who had a problem about the cost of the law school. We believe that this law school would cost anywhere between $10 and $15 million to get started, not including the capital outlay of another $10 or $15 million. So it is a question of timing and a question of costs.

Finally, Mr. Chairman, to answer your question, fewer and fewer minority students are going to law school around the nation. So I think a better way to do it, rather than to have all the startup costs and other things, is to give a direct grant to students so they can go to any law school in this city, as well as around the country. That gives us more minority lawyers and advocacy lawyers.

Howard University has an outstanding law school. Dave Clarke went to that school and he is an outstanding lawyer and had good legal training. I know he is going to get me for doing that, but we just have a difference of opinion.

Senator HARKIN. Do you want to keep Antioch Law School going or not?

Mayor BARRY. I think the Council has decided——

Senator HARKIN. Does it fill a need here in the city?

Mayor BARRY. The Council has decided to create a public law school.

Senator HARKIN. I understand.

Mayor BARRY. So Antioch Law School, for all practical purposes and name is already dead.

LOSS OF ACCREDITATION OF ANTIOCH LAW SCHOOL

Senator NICKLES. It has lost its accreditation?

Mayor BARRY. It has lost it in the sense that it is conditionally accredited to the end of the last graduating class, I guess, which would be 2 years from now I think.

Senator HARKIN. I am informed that it did not lose its accreditation.

Mayor BARRY. It is conditionally accredited. It cannot take any new first-year students.

Senator NICKLES. As an institution, it basically dies in 2 years, is that——

ADVISORY COMMITTEE'S REPORT ON ANTIOCH LAW SCHOOL

Mayor BARRY. As Antioch Law School. One of the questions which was raised, and I would like to submit the advisory committee's report for the record, was an assumption that accreditation could be automatically transferred from Antioch Law School to the new public law school. The ABA and other accreditating agencies said it cannot be transferred automatically. The new law school would have to apply like any other new law school and get accredited like any other new law school.

[The information follows:]

REPORT OF THE SELECT ADVISORY PANEL ON A PUBLIC LAW SCHOOL FOR THE DISTRICT OF COLUMBIA

The Honorable Marion S. Barry, Jr.
Mayor of the District of Columbia
Washington, D.C. 20004

Dear Mr. Mayor:

We hereby submit the Report of the Select Advisory Panel on a Public School of Law for the District of Columbia. The Report reflects our assessment of the likelihood that certain basic objectives of D.C. Law 6-177 can be achieved with the resources and within the period contemplated by that legislation.

D.C. Law 6-177 provides for the creation and operation of a public school of law as a successor to the Antioch University School of Law ("Antioch") that will cease to exist upon the graduation of its last class in 1988. The responsibility for operating the public school of law is entrusted to a new independent agency of the District of Columbia Government for a three-year transitional period, after which the school of law is to be merged into the University of the District of Columbia ("UDC"). During this transitional period, the legislation limits the aggregate amount that may be appropriated for the new school's capital and operating budgets to no more than $3 million each year.

The legislation also requires that both during and after the three-year transitional period the new school

> shall maintain any accreditation necessary to qualify [its] graduates . . . to take the bar examination of the District of Columbia and of the several states.

In other words, the legislation contemplates that the American Bar Association's accreditation of Antioch will be transferred immediately to the new school of law.

The ABA's accreditation of Antioch is scheduled to be terminated in 1988 upon the graduation of Antioch's last class. Based upon both our communications with representatives of the ABA and other study, it is our view that contrary to what is contemplated by the legislation, there is no precedent for the transfer of the accreditation. Nor is there any current evidence that the ABA would break with precedent and grant a provisional accreditation without having first evaluated the new school of law.

Moreover, given the reasons for the vigorous recommendation by the ABA's Section of Legal Education and Admission to the Bar that Antioch's accreditation be withdrawn -- namely the inadequacy of Antioch's physical facilities, library staff and collection, size and compensation of its faculty, and related characteristics -- the Panel is unable to conclude in view of the $3 million fiscal year limitation on appropriations for the school of law that provisional accreditation during the three-year transitional period is likely.

The Panel also is of the view that implementation of the legislation would likely complicate the accreditation of UDC by the Middle States Association. Of particular concern is the legislation's governance provision, by virtue of which the responsibility to "[g]enerally supervise, manage and govern all the affairs of the School of Law of the University of the District of Columbia" is not vested in the UDC Board of Trustees, but is granted to the school of law's Board of Governors "subject to final review of the Trustees." Citing this and similar provisions that they contend may adversely affect UDC's accreditation, UDC's Trustees oppose the legislation. That opposition not only poses a potential obstacle to implementation of the legislation, but the reasons for it have created an undesirable situation that disserves the interests of both the undeveloped public law school and a still developing university.

These views of the Panel will disappoint many, because the Antioch School of Law has developed an enviable reputation for contribution to the common good of the City. The Panel, of course, has not expressed any reservation about the judgment of the Council that the creation of a public school of law would be in the best interest of the citizens of the District of Columbia. Thus, there is nothing in this Report which is intended to suggest either abandonment of the objectives sought to be met by the legislation, or that those objectives cannot be achieved.

We are honored to have had the opportunity and responsibility of serving on this Panel.

Dated: March 16th, 1987

Sincerely,

Lisle Carter, Jr., Chairman

Betsy Reveal

Betsy Reveal

John R. Risher Jr

John R. Risner, Jr.

Nathaniel H Speights

Nathaniel Speights

William S. Thompson

William S. Thompson

PURPOSE OF REPORT

The purpose of this report is to advise the Mayor on the feasibility of D.C. Law 6-177, "Authorization for the Establishment of a Public Law School for the District of Columbia Amendment Act of 1986."

To carry out its work, the Select Advisory Panel met with representatives from the University of the District of Columbia (UDC) and Antioch School of Law (ASL) and with Councilmember Hilda Mason and her staff. The Panel also conferred with representatives of the American Bar Association (ABA), Middle States Association (MSA) and Antioch University. The Panel reviewed documents and information provided by its staff and by those who it interviewed.

PURPOSE OF LEGISLATION

The principal stated purposes of the legislation are as follows: (1) to create a public school of law as successor to the Antioch University School of Law (ASL) that will immediately, be fully accredited during its first three years as an independent agency of the District of Columbia, and thereafter when it is merged into UDC; (2) to adopt the programs and personnel of ASL so that its teaching methodology, pedagogy, and personnel can serve as a basis for the programs and the accreditation of the D.C. School of Law; (3) to expand the public higher educational opportunities for District residents and those populations that have been traditionally underrepresented in the legal profession by providing a low-tuition law school; (4) to maintain and provide clinical services for the needy; and (5) to provide a subsidy not to exceed $3 million for operating and capital expenses each year for three years.

ACCREDITATION ISSUES

ABA Accreditation

The feasibility of the legislation hinges on several key issues. One is whether the accreditation of ASL will be transferred to the new law school. This transfer of accreditation is crucial if the law school's Board of Governors is to operate -- according to Sec. 506 (a) of the legislation -- an accredited institution that entitles the school's graduates to take the District and state bar examinations.

ASL's accreditation is scheduled to be withdrawn in 1988, when the school's last class is to be graduated. Thus, a transfer of the accreditation would require an evaluation by the ABA of ASL's physical facilities, faculty pay, library staff and collection, faculty-student ratios, and other characteristics that the ABA's committee on accreditation has regarded as unsatisfactory.

In his letter of February 5, 1987 to the Panel, Mr. Thomas Mack writes: "Past history is highly relevant in determining the risks that the new school will not be ABA accredited. The ABA accredited [ASL] through its existence, even though repeatedly threatening to remove approval if greater resources were not to be found. While the ABA's accreditation committee has always been on record as opposed to Antioch's accreditation, the committee's parent body has for an equal period sustained Antioch's full accreditation. It was only after Antioch University announced that it would cease law school operations after graduating its last class in June of 1988, that the Accreditation Committee's parent body acceded to the Committee's request to remove the school's accreditation, but only as of a date when the school would no longer be in existence." The letter goes on the state: "Prior to [Antioch University's] decision to close [ASL], the law school prevailed in each and every battle over accreditation. The battle always came down to one of resources."

In summary, the proponents of the legislation contend that by virtue of the strength of the legislation there will be little or no problem with obtaining ABA's approval to transfer the accreditation from ASL to the new law school. However, according to representatives from the ABA, there is no precedent for such a transfer, nor is there precedent for granting provisional accreditation prior to an evaluation of the new law school. Indeed there is no apparant reason why the new school of law should not be regarded as "new" in every aspect, and subject to the same accreditation requirements that the new City of New York Law School and CBNU School of Law of Virginia have had to meet. Thus, the new school would have to go through the normal processes for first attaining provisional accreditation.

Accordingly, the Panel is of the opinion:

Accreditation

- that it is more likely than not that the ABA would view the D.C. School of Law as a new school since there is no precedent for the transfer of accreditation from ASL to the new school of law; since there are long, outstanding accreditation issues between ASL and the ABA; and since there is no present evidence to support the expectation of an automatic transfer of accreditation from ASL to the public school of law.

MIDDLE STATES ASSOCIATION ACCREDITATION

According to Sec. 603 of the legislation, the D.C. School of Law is scheduled to become part of UDC within three years of the effective date of the legislation. While there are no immediate concerns regarding UDC's accreditation because the law school is initially to be independent, UDC's accrediting body, Middle States Association (MSA), has identified four major concerns that it would have when the school did merge with UDC: (1) the process by which the new law school becomes a part of UDC; (2) the governance structure outlined in the legislation; (3) the addition of graduate programs; and (4) the impact of the addition of a law program on the undergraduate program.

First, MSA is concerned with the issue of mandating program, curriculum, and mission of an academic institution. Sec. 506 (b) of the legislation stresses the importance and the invaluable nature of a clinical law program that serves large numbers of D.C. residents in need of legal services.

Under Sec. 508, the personnel of the D.C. School of Law will become employees of UDC within three years (See Sec. 603). While the legislation allows for the Board of Trustees to set terms and conditions of employment, it flexibility may be somewhat limited if D.C. School of Law employees become entitled to employee rights during the three-year transition period. In addition, UDC feels strongly that it should not have to adopt employees as the result of the legislative process, particularly in light of experiences after the consolidation of the Washington Technical Institute (WTI), Federal City College (FCC), and D.C. Teachers' College (DCTC).

Second, MSA has a concern regarding the nature of the proposed governance structure. Sec. 602 (1) and Sec. 602 (3), specify a role for the Board of Governors after a three-year period that puts it in a position of authority between the UDC Board of

Trustees and the UDC President in the affairs of the UDC Law School. According to Councilmember Mason and representatives from the ASL, the intent of this provision was to ensure that the educational philosophy and pedagogy of ASL would have proponents within UDC.

UDC contends that under the legislation, the law school's Board of Governors would have responsibilities normally vested in the Board of Trustees, and the University President would serve merely as a conduit through which to transmit the law school budget and policies to the Board of Trustees for review. According to representatives from UDC, the legislation has the potential of creating a conflict between the UDC Board of Trustees, the UDC President, and the Law School Board of Governors since the Act gives the responsibility to "generally supervise, manage and govern all the affairs of the School of Law ... and [it] may adopt whatever policies and rules it may deem wise ... " subject to review by the UDC Board of Trustees.

As pointed out in correspondence by the President of Antioch University as well as in discussions with representatives from ASL, generally, law school boards within universities do not govern and do not advise boards of trustees. The typical arrangement is for a board of advisors or visitors to advise the dean of the law school, with respect to the operation and initiatives of the law school under the policy guidance of the university's board of trustees.

MSA's major concern is that a board of trustees serve as the decision-making body for an institution, and not be subject, in particular, to political intervention. As a result of the legislation, MSA may construe the legislative mandate of a mission, curriculum, personnel, and a board of governors with unusual powers as an improper intrusion into the authority of the UDC Board of Trustees. Thus, MSA may conclude that the Board of Trustees is subject to undue interference in the independent exercise of its academic responsibility. In sum, in the context of the legislation, MSA's most likely concern will be whether the UDC Board would have academic and policy-making control over the law school and whether the legislation undermines the autonomy of the Board.

Additionally, there is MSA's broader concern regarding the impact of the law school program on UDC's undergraduate academic program. As a result of the merger of the law school into UDC, MSA would be concerned with the following issues: How did the addition of a public law school relate to UDC's overall planning process? Does UDC have adequate resources to operate a public law school? How does a law school fit within UDC's academic program? To what extent was the combining of a law school with UDC an academic decision entered into by the UDC Board of trustees, faculty, and administrators?

These questions take on significance since MSA, in 1979 and again in 1985, has advised UDC to go slow on the addition of new graduate programs. Subsequently, MSA has confirmed that a law program would be viewed in that same light as a graduate program. According to MSA, UDC's program priority should be the strengthening of its undergraduate programs before it adds additional graduate and professional programs.

The D.C. School of Law merger into UDC might also alter UDC's current accreditation reporting cycle. UDC must provide a follow-up report on April 1, 1987, on the issues of planning, governance, research, and communication. A Periodic Program Review Report is due to MSA in April, 1990. Based on the Periodic Program Review Report, MSA will make a determination of what additional reports are necessary and when the University would be visited by an evaluation team. The merger could have the effect of expediting a full review of UDC by MSA.

The Panel must note that perhaps some of these concerns could be addressed through a transition planning process; however, there are fundamental aspects of the legislation -- the requirement that UDC adopt the law school, the legislating of the law school's missions, academic programs, and governance structure -- that may put the University in a difficult situation with respect to its accrediting body. These basic aspects exist given the structure of the legislation no matter when the law school merges into UDC.

UDC has outlined some actions that it feels would make the legislation workable and meet the demands of the MSA. These include: (1) revisions that would place within the authority of the Board of Trustees and University faculty to determine the mission, recruitment policies, instructional methods, and tuition levels; (2) a removal of the provisions that mandate that D.C. Public School of Law personnel shall become employees of the University; (3) revisions that would permit the law school dean to recommend and the Board of Governors to staff the law school; (4) revisions to permit an advisory board to the Dean of the law school, rather than an advisory board of governors for the Trustees; (5) increases in the operating and capital subsidy; and (6) an extention of the time by which the D.C. School of Law would become a part of the University.

Based on its review, the Panel is of the opinion:

- that implementation of the legislation is likely to complicate the accreditation process for UDC with the Middle States Association; of particular concern is the peculiar governance provision, following the mandated merger of the law school with the University, under which the responsibility to "generally supervise, manage and govern all the affairs of the school of law..." is vested, not in the UDC Board of Trustees, but in a board of governors subject to review by the Board of Trustees.

- that the opposition of the Board of Trustees to the legislation poses a potential obstacle to its implementation that could well affect the accreditation of the University and that fact raises a conflict that does a disservice to the best interests of an undeveloped new law school and those of a still developing university.

BUDGET AND FACILITIES ISSUES

Budget and Financial Feasibility

In considering financial feasibility, the Panel reviewed all cost estimates prepared by ASL and UDC as well as three years of actual ASL revenue and expense data. Little comparative cost data was available from other schools of law, although the proposed FY 1986-87 summary budget was available for the recently established City University of New York law school. Although the calculation of alternative budgets would appear to be a straightforward process, the range of policy and fiscal choices involved makes all forecasts speculative and subject to legitimate debate.

There are five major areas of uncertainty with respect to revenue and expense projections for the D.C. School of Law:

(1) enrollment, residency mix, and financial aid requirements of the student body;

(2) level of in-state and out-of-state tuition likely to be established for an independent D.C. School of Law or for a new professional program at UDC;

(3) cost of complying with or making progress toward accreditation requirements;

(4) cost of indirect, overhead, and transition operating support (i.e, fees for governing boards [see Sec. 503 (s)] and stipends for D.C. residents who agree to a term of public service [see Sec. 511]; and

(5) the cost of interim and permanent facilities for the public law school.

While these variables are not mutually exclusive (for example, the revenue forecast depends on both the level of tuition established for in-state and out-of-state students and the definition of residency and projected mix of resident and non-resident students), each represents a major area of concern to the Panel.

Base Revenues and Expenses

It is difficult to define a satisfactory base year for revenue and expense comparisons given the uncertainties under which ASL has labored in recent years. Nevertheless, a review of three years of actual operation (ASL fiscal years 1984, 1985, and 1986) provides some basis for evaluating the plausibility of alternative budget projections. Table 1 on the next page summarizes the data provided by Antioch University officials for these fiscal years.

During the last three years of operation, the average annual cost per student (including overhead and reserves) was $10,535 for FY 1984, $10,042 for FY 1985, and $11,192 for FY 1986. If overhead and reserves are excluded, the average cost per student was $9,270 for FY 1984; $8,725 for FY 1985; and $9,852 for FY 1986.

Table 1
Comparison of Actual Financial Results:
Antioch School of Law
Fiscal Years 1984-1986

Category	FY 1984 Unrstrc. (0700)	Restricted (1750)	Other (1749)	Total	% of Tot.	FY 1985 Unrstrc. (0700)	Restricted (1750)	Other (1749)	Total	% of Tot.	FY 1986 Unrstrc. (0700)	Restricted (1750)	Other (1749)	Total	% of Tot.
REVENUE															
Tuition	$2,927,298	$ 0	$ 0	$2,927,298	64%	$3,151,292	$ 0	$ 0	$3,151,292	78%	$2,857,425	$ 0	$ 0	$2,857,425	73%
Other	134,709	732,402	767,709	1,634,820	36%	92,130	741,858	73,889	907,877	22%	97,119	843,622	112,168	1,052,909	27%
Total Revenue	3,062,007	732,402	767,709	4,562,118	100%	3,243,422	741,858	73,889	4,059,169	100%	2,954,544	843,622	112,168	3,910,334	100%
EXPENSES															
Personnel	1,769,800	550,520	582,677	2,902,997	62%	1,879,377	548,815	45,895	2,474,087	57%	1,668,241	597,878	82,475	2,348,594	58%
Supplies	52,419	5,700	5,780	63,899	1%	38,353	14,099	744	53,196	1%	21,386	14,037	1,550	36,973	1%
Occupancy Costs	158,973	37,281	37,281	233,535	5%	151,976	40,255	2,100	194,331	4%	139,241	41,677	1,874	182,792	5%
Other Services	358,638	49,040	52,256	459,934	10%	416,853	91,942	5,878	514,673	12%	134,626	83,730	41,474	259,830	11%
Overhead and Debt	422,243	55,727	82,357	560,327	12%	540,234	30,827	(2,063)	568,998	13%	684,950	26,618	(26,377)	685,191	12%
Financial Aid	289,725	15,600	21,955	327,280	7%	365,547	40,385	0	405,932	9%	346,492	23,600	38,588	408,680	10%
Equipment	108,093	5,206	5,645	118,944	3%	123,317	3,644	0	126,961	3%	122,417	5,275	1,957	129,649	3%
TOTAL	3,159,891	719,074	787,951	4,666,916	100%	3,515,657	769,967	52,554	4,338,178	100%	3,117,353	792,615	141,561	4,051,509	100%
Net Surplus/(Deficit)	(97,884)	13,328	(20,242)	(104,798)	///	(272,235)	(28,109)	21,335	(279,009)	///	(162,809)	51,007	(29,373)	(141,175)	///
Enrollment	/////	/////	/////	443		/////	/////	/////	432		//////	//////	//////	362	
Avg. Tuition/Student	$6,608	/////	/////	$6,608		$7,295	/////	/////	$7,295		$7,893	//////	//////	$7,893	
Avg. Revenue/Student	6,912	$1,653	$1,733	10,298		7,508	$1,717	$171	9,396		8,162	$2,330	$310	10,802	
Avg. Exp/Student-All	7,133	1,623	1,779	10,535		8,138	1,782	122	10,042		8,611	2,190	391	11,192	
Avg. Exp/Student-Net	6,180	1,497	1,593	9,270		6,888	1,711	126	8,725		7,272	2,116	664	9,852	
Tuition as % Exp.	93%	/////	/////	63%		90%	/////	/////	73%		92%	/////	/////	73%	
Rev. as % of Exps.	97%	102%	97%	98%		92%	96%	161%	94%		95%	106%	79%	97%	
Tuition as % of Net	107%	/////	/////	71%		106%	/////	/////	84%		109%	/////	/////	80%	
Rev. as % of Net	112%	110%	109%	111%		109%	100%	135%	108%		112%	110%	67%	110%	

Source: Antioch University (See Appendix A for Detail Categories)

In FY 1984, tuition and other revenue covered 63 percent of total expenses; in FY 1985, they covered 73 percent; and in FY 1986, 71 percent.

In FY 1984, tuition and revenue covered 111 percent of expenses net of reserves and overhead; in FY 1985, it covered 108 percent of them; and in FY 1986, 110 percent.

Total revenue declined 2 percent over the period, while total expenses and expenses net of overhead and reserves both decreased 13 percent. Full-time equivalent students declined 18 percent.

Unrestricted expenses (excluding federal and state grants, gifts and other special sources of revenue), averaged $7,133 in FY 1984; $8,138 in FY 1985; and $8,611 in FY 1986. Tuition income covered 93 percent of total costs in 1984; 90 percent in FY 1985; and 92 percent in FY 1986. Net of overhead and debt, tuition covered 107 percent of unrestricted expenses in 1984; 106 percent in FY 1985; and 109 percent in FY 1986.

It is difficult to compare directly actual past financial results to projected future revenues and expenses for the D.C. School of Law because of the uncertainties and variables discussed below. Yet, virtually all of the persons with whom the panel talked agreed that certain items were significantly underbudgeted (faculty salaries, library support and facilities) during the 1984-1986 period.

Therefore, it is reasonable to conclude (subject to the uncertainties below) that the operating costs of a new law school which remedy these deficiencies will be at least as great and probably greater than the costs during the 1984-1986 period. Absent tuition and recurring revenue streams substantially larger than the 1984-1986 experience, it is difficult to envision a public law school that does not require significant annual public operating subsidies well beyond the three year transition period provided by the current legislation.

Enrollment, Residency and Financial Aid

The ultimate size of the D.C. School of Law and the residency mix of its student body will determine the costs and the tuition and fee revenue. The economic status of both resident and nonresident students will determine financial aid needs. An entering class most likely will not be recruited for Fall, 1987. A third-year class of 84 students has been projected by ASL for the 1987-1988 school year. ASL's most recent budget estimates assume that one-half of this third year class will be Distrct residents. Assuming the earliest entering class in Fall, 1988, we can expect lower than previously projected operating costs during the three-year transition period, and lower revenue as well.

ASL projects a total future enrollment of approximately 450 students. No systematic marketing analysis has been undertaken to determine the possibility of this target enrollment, but it represents a level which ASL had clearly achieved in the past, and it has been accepted for purposes of this analysis as a level that can be reached. However, there is great uncertainty about how to estimate the mix of resident and nonresident students. That mix depends upon: (a) the definition of residency (which is not clearly delineated in the legislation); and (b) assumptions with respect to relative local versus regional/national demand. No empirical basis exists for estimating the likely mix. UDC's Graduate School reports a full-time equivalent student mix of 85 percent resident and 15 percent non-resident. Antioch projects a student mix of 50 percent resident and 50 percent non-resident for its remaining class, and a student mix of 70 percent resident and 30 percent non-resident for its future, total student body.

In FY 1984-1986, financial aid outlays represented between 13 and 14 percent of expenses, net of debt service and overhead repayment. The recent "outyear" projections from ASL assume less than half that percentage. UDC's original estimates were probably too pessimistic -- assuming no on-going federal match or assistance. However, it is probable that these financial aid layouts will be significantly higher than currently projected by ASL.

Tuition Levels

The legislation does not specify the in-state or out-of-state tuition levels to be used by the D.C. School of Law. ASL currently charges $7,250, and this level is projected as the tuition for FY 1988 and for future, out-of-state tuition.

Out-of-state tuition for existing UDC graduate programs is $2,434 per year (for a full load). In-state tuition is $1,234. The original UDC budget assumption for in-state tuition for the new law school was $3,600. Subsequent D.C. Council and ASL assumptions used $2,400 for the in-state tuition level.

At an in-state level of tuition of $2,400 and an out-of-state tuition level of $7,250 annual revenue in the most extreme cases (100% resident versus 100% non-resident) would be a low of $1,080,000 and a high of $3,262,500. (This revenue range assumes 450 students, and no adjustments have been made for inflation.) For each one percent increase in non-resident students, there would be a corresponding $21,825 increase in revenue; likewise for every one percent decrease in non-resident students, there would be a $21,825 decrease in revenues.

Cost of Accredition

The accreditation issue (discussed in other sections of this report) is so complex and ambiguous that it is impossible to quantify the cost of moving towards or achieving "compliance" with any particular ABA standard. Accreditation standards are subject to qualitative, subjective interpretation, and the Panel cannot establish a price tag for accreditation. Certainly the areas of on-going accreditation concern -- the level of faculty salaries, the adequacy of physical facilities, and the adequacy of library resources and support -- all have cost consequences. It is difficult to find a basis for asserting that ASL's, UDC's, or any other estimate of future resources necessary to achieve compliance is the "right" or "feasible" number.

Clearly, improvement in the areas that have been of continuing concern to the ABA will cost more money (as all budget estimates prepared to date have assumed). Whether it is 25 percent, 50 percent or more than the FY 1984-1986 experience is a matter of choice, judgment, and negotiation with accrediting bodies.

Indirect, Overhead, and Transition Costs

It has also been difficult to quantify the indirect, overhead and transition costs associated with this legislation or to determine the extent to which various budget estimates adequately cover these costs.

In past years, ASL had paid approximately half a million dollars annually to Antioch University for overhead, debt repayment and reserves. No specific data has been presented to the Panel on the allocation formula for the overhead calculations or the value of the direct and indirect services provided by the central university to the law school as part of its overhead.

Discussions with ASL personnel indicate that payroll processing and check writing were provided by Antioch University, although the paperwork and vouchers were the law school's responsibility. Assessments for debt service on the current facility and reserves for repayment of endowment principal used by Antioch University for operating costs will not recur once the public law school has been established -- assuming that final transfer negotiations with Antioch University result in all mortgage and deficit liabilities being covered by the central university.

In correspondence from Antioch University, the president of that institution wrote that Antioch University would not require the D.C. Law School to be responsible for the liabilities of ASL. He indicated that Antioch University would be willing to negotiate terms for the transfer of the assets of ASL. These assets would include the property located in the Warder-Totten Building or the Meyer House, including the library collection, furnishings, and equipment. The President of Antioch University has implied that the University might be willing to donate the ASL's library to the D.C. School of Law.

A few individual items have not been included -- or were treated indirectly in the budget estimates available to the Panel. Bad debt (approximately $65,000 per year in FY 1985 and FY 1986) was not included as an expenditure item in either UDC's or ASL's proposed budgets. ASL reports that the 20 percent attrition factor for students (apparently significantly higher than the current ASL experience) was set to compensate for this cost.

Transition costs to staff the Board of Governor's and transition committee, the level of stipends contemplated for D.C. residents who matriculate at the law school and agree to a local public service commitment after graduation, and the indirect costs converting personnel and financial systems to UPS and FMS have not been specifically identified in any of the draft budgets. Council intent as to whether these costs are to be covered within the $3 million annual subsidy ceiling or in addition to it is unclear.

Further, the legislation is silent on the accounting structure of the transition public law school. If established as an enterprise fund, depreciation and all other expenses associated with the enterprise fund, would have to be budgeted. If assumed to be a general fund agency, a policy determination about the allocation of centrally budgeted debt service, depreciation and similar expenses (grant disallowance reserves, etc.) would have to be made.

Interim and Permanent Facilities

The single most significant unknown in determining the financial feasibility of this legislation is the issue of interim and permanent facility costs. Whether the facilities are temporarily or permanently leased, whether they utilize District-owned buildings, whether they require new construction or renovation are all variables in the determination of the ultimate cost. In addition, the organization of classroom and faculty offices, the importance of moot courtroom or other specialized facilities, and the sophistication of library facilities will all involve choices affecting total project costs.

Estimates of renovation, lease and construction costs have been widely variant. Until the availability of existing facilities has been determined, and the ultimate size, location, and program of new facilities defined, no reliable "price tag" can be placed on this item. Experience suggests that facility costs are almost invariably higher than originally hoped.

Based on its review of the budget and facilities issues the Panel is of the opinion that:

- there are too many uncertainties regarding facilities, enrollment levels, tuition policy, accreditation status and residency mix to accurately assess any of the budget projections compiled to date;
- given these uncertainties and based upon actual 1984-1986 financial results for ASL, and the documented need for new interim and permanent facilities, the panel concludes that there is a high risk that significantly more resources will be required to establish and maintain a public law school that would be accredited than envisioned by the current legislation.

Appendix A

EXPLANATION OF BASIS OF TABLE 1 COMPILATIONS

Table 1 was developed using actual year end financial data provided by Antioch University. The revenue and expense classes were grouped as follows:

	Antioch University Accounting Classes
REVENUE	
Tuition	402, 403, 404, 405
Other	All Other
EXPENSES	
Personnel	601, 602, 603, 604, 606, 611, 615, 620, 621, 622, 627, 629
Supplies	630, 631, 632, 634, 636
Occupancy lists	654, 660, 662
Other services	607, 619, 640, 641, 643, 647, 648, 649, 650, 651, 652, 653, 655, 656, 658, 664, 670, 671, 671, 673, 676, 679, 689, 696
Overhead & debt	657, 659, 672, 882
Financial Aid	623, 674, 675
Equipment	661, 666, 693, 694

APPENDIX B

DEADLINES FOR IMPLEMENTATION OF LEGISLATION

Listed below are the deadlines in the legislation. Where there are questions marks, the legislation does not specify a date, and some interpretation as to the effective date would be necessary.

Day 0	Effective date of Act, upon end of Congressional oversight period.

Transfer of Programs and Accreditation

Day ??	The curriculum, programs, personnel, students, and clinical operations of the School of Law of Antioch University, in operation on this date are adopted by the D.C. School of Law initially as its programs, personnel, students, and clinical operations.
Day ??	Accreditation of Antioch Law School is transferred to the D.C. School of Law.
Day ??	The Interim Board of Governors maintains accreditation of D.C. School of Law.

Interim Board

Day 1	Interim Board takes office. The appointment of the past D.C. Bar must be arranged.
Day ??	Upon the installation of at least 14 members of the Board of Governors, the Interim Board is abolished.

Nominating Committee

Day 1	Mayor's nominations of Nominating Committee to the Council.
Day 30	Nominating Committee is appointed. (This deadline will probably be difficult to meet because of the time it takes to move names through the confirmation process; the Mayor sends names to the Council and the Council acts on those names.)

Non-Mayoral Members of Board of Governors

Day ??	Election of alumni members
Day ??	Election of student member
Day 40	Nominating Committee must hold its first meeting.
Day 70	At the meeting of the Nominating Committee, the Committee must submit a list of nominations to the Mayor.

Day 115	The Nominating Committee submits the list of nominees to the Mayor, and if the Mayor has not made his nominations to the Council, then, the Nominating Committee will submit names to the Council.
Day ??	Appointment of D.C. Bar member

Board of Governors

Since the Nominating Committee, which has to be confirmed by the Council, has until Day 70 or later to submit a list of nominees to the Mayor, the following provisions (which appear to be in conflict with each other) probably will be difficult to meet:

Day 30	Members of the Board of Governors must be appointed.
Day 45	Mayor must submit nominations for 10 Board members to the Council.
Day 90	On this day or 45 days after the Mayor submits his nominees, the nominations are deemed confirmed if the Council takes no action.
Day 120	On this day or not later than 30 days after confirmation of the election of at least 14 members, the Board must hold its first meeting.

Merger Committee

(not Appointed by the Mayor)

Month 6	By month six or earlier, the Merger Committee is appointed.
Month 24	Merger Committee submits final report.
Month 36	Merger with UDC takes place.

Appendix C

PURPOSE OF LEGISLATION

According Sec. 501 (1) of the Act, the purpose of the legislation is to establish a public law school in the District of Columbia. Sec. 501 (2) states a second purpose: "To ensure that the curriculum, programs, personnel, students, and clinical operations of the School of Law of Antioch University, in operation as of the effective date [of the legislation], are adopted initially as the programs, personnel, students, and clinical operations of the public law school for the District of Columbia."

Sec. 506 (a) requires the Board of Governors of the D.C. School of Law to "operate the School of Law in a manner that shall maintain any accreditation necessary to qualify the graduates of the School of Law to take the bar examinations of the District of Columbia and of several states."

Sec. 506 (b) states that "the Board of Governors shall to the degree possible, operate the School of Law as a clinical law school committed to representing the legal needs of low-income persons, particularly those who reside in the District of Columbia."

Sec. 506 (b) also requires that the Board of Governors of the D.C. School of Law, "to the degree feasible, recruit and enroll students from racial, ethnic, or other population groups that in the past have been underrepresented among persons admitted to the bar in several states, and the District of Columbia."

Sec. 601 establishes within the University of the District of Columbia "a public school of law component of the University known as the District of Columbia School of Law that shall be governed by the Trustees of the University." Sec. 603 merges the public law school into the University within 36 months of the effective date of the legislation.

APPENDIX D

LEGAL OBLIGATIONS UPON LEGISLATION'S EFFECTIVE DATE

This legislation recognizes the academic and legal services contribution of ASL to the District of Columbia. Several characteristics distinguish ASL's clinical program from those of other area law schools: Its clinical approach to the teaching of law requires students to take more clinics than other area law schools and such an approach provides them with legal experience as an integral part of their education. Second, some other area law schools only accept cases which are referred to them by the court, and at least one other law school does not accept cases from the District. (See Table D-1. on the next page.)

Correspondence in support of the legislation emphasizes the wide-range of legal services provided by ASL, and these statements of support contend that if ASL is unable to provide clinical services, there will be a significant gap left in the provision of legal services to people with low incomes in the District. Further, according to the proponents of the legislation, the closing of ASL would exacerbate the continued

Table D-1

Summary of Clinical Programs

	Antioch	G-town	G-Wash	Howard	Amerc
Adult Misdemeanor	X	X	X	X	
Appeals	X	X		X	X
Juvenile Law	X	X			
Criminal Asst.	X	X		X	
Family Law	X				
Bankruptcy	X		X		
Immigration	X		X		
Labor Law	X			X	
Landlord/Tenant	X				
Women's Rights	X	X		X	X
Public Entitlement	X				X
Institutionalized Persons					X
Consumer Litig.			X		
Small Business			X		
SEC Law				X	

loss of legal services for low-income residents in the District.

Third, ASL recruits and admits many students who would normally not be able to enter law school, and as such ASL provides educational opportunities that are not available at other schools.

While the legislation is designed to meet several purposes, the timing of the obligations put forth in the legislation is unclear, and as a result, the legislation raises several questions. Although these are questions of a technical nature, they need to be addressed if the legislation is to meet its stated purposes. The Office of the Corporation Counsel has advised through correspondence that the legislation is "legally unobjectionable." The staff has identified the following questions:

- When does the D.C. School of Law adopt the academic program of the Antioch Law School?
- On the effective date of the legislation, can the programs and curriculum of Antioch Law School be adopted by the D.C. School of Law?
- Can an accredited law school come into being on the effective date of the legislation?
- Do personnel of the Antioch Law School become employees of the D.C. School of Law (i.e., D.C. Government) on the effective date of the legislation? Is their transfer to the new school mandatory?
- Can funds be used for planning of a law school prior to accreditation?

The staff's review revealed differing positions on these issues. According to the legislation, the curriculum, programs, personnel, students, and clinical operations of the Antioch School of Law, in operation on the effective date of the legislation, are "adopted" by the D.C. School of Law "initially" as the programs, personnel, students, and clinical operations of the D.C. School of Law. By allowing for this, the legislation provides for the continuation of ASL's educational philosophy and pedagogy.

Yet, these actions can not be automatic and will require interaction with Antioch University and some planning to affect the transfer from ASL to the D.C. School of Law.

In correspondence from Antioch University, the president of that institution has indicated his willingness to work with the District to transfer ASL to the District. The Interim Board, which comes into being presumably when the law becomes effective, will have to negotiate the terms the government must meet in order to acquire the assets of ASL (i.e., books, equipment, furniture, etc.).

Councilmember Hilda H. M. Mason and ASL representatives are of the opinion that the Board of the new law school will "adopt" Antioch Law School's program and curriculum and its personnel that were in place on the effective date of the legislation, and this program and curriculum would become the "initial" program and curriculum of the D.C. School of Law, and this personnel would become the "initial" personnel of the public law school.

Proponents of the legislation see expeditious and urgent action as being important because the provisions of the legislation, they contend, were drafted to facilitate the transfer of the accreditation of the ASL to the D.C. School of Law. The Panel noted above that there is the assumption in the legislation as well as in discussions with Councilmember Mason and representatives from Antioch Law School, that by virtue of the strength of the legislation, there will be little or no problem with obtaining the approval of the American Bar Association (ABA) to transfer the accreditation of Antioch Law School to the D.C. School of Law. In fact, they argue that the legislation was drafted to meet the concerns of the ABA and to remove its objections to Antioch Law School recruiting and enrolling a first-year class and that the legislation provides for the continuity of the academic program and the transfer of personnel of Antioch Law School and to facilitiate the transfer of accreditation to the D.C. School of Law. Consequently, proponents of the legislation believe very strongly that provisional accreditation would be forthcoming within the given fiscal constraints of the legislation. The Panel, however, found that no precedent exists for the transfer of accreditation from one law school to another. If the transfer of accreditation does not take place immediately and ASL is transferred to the D.C. School of Law, the academic status of the last two classes may be in limbo.

Proponents also argue very strongly that the initial adoption of programs, curriculum, and personnel does not preclude adjustments in either of these. They note that while a clinical program would obviously be a key program, it could be modified and other programs added. The key concern the Panel has raised regarding this provision of the legislation is that it will mandate curriculum on the UDC Board of Trustees, and this would be one aspect of the legislation that would ultimately put UDC in a difficult position in relationship to its accrediting body. Proponents of the legislation indicate further that the legislation provides the Board of Governors of the public law school with some flexibility to select personnel based on the Board's determination since the Board can set the terms and conditions of employment. As a result, the Board has the option of adopting the Antioch employees as permanent or as temporary personnel.

According to this position, no Antioch personnel are "grandfathered-in," and the Board has the opportunity to assess and evaluate personnel and to make a determination of the public law school's personnel needs based on the school's program needs. The Office of the Corporation Counsel, however, in correspondence, writes that "pursuant to new § 508, on the effective date of the Act, employees of the Antioch School of Law become employees of the School of Law...." The Board of Governors would also have to be guided by academic and accreditation concerns as well as the D.C. Merit Personnel Act (See Sec. 603.) If there is a fiscal year 1987 take-over date, funds for personnel will have to be provided through a supplemental budget request.

According to Sec. 506 (a) the Board of Governors shall operate the School of Law in a manner that shall mantain any accreditation necessary to qualify the graduates of the D.C. School of Law to take the bar examinations of the District and several states. This provision assumes an immediate transfer of accreditation from ASL to the new law school. If that assumption does not hold, the Board would not be operating or maintaining an accredited school of law. Its role would have to shift from one of operating an accredited law school to one of planning for accreditation and funds appropriated for the school's operation would have to be expended for planning. While the legislation gives the Board broad powers, its mandate is to maintain accreditation, not plan for it.

CHAIRMAN CLARKE'S COMMENTS ON ANTIOCH LAW SCHOOL

Senator HARKIN. Mr. Clarke, do you have some comments on the Antioch Law School?

Mr. CLARKE. Yes, sir; let me just say first that this matter has been passed by the Council, as the Mayor has indicated and indeed had he vetoed it, it would have been overridden. I do not believe, with all due respect to your prerogatives, it is appropriate for us to come here to ask you to overrule what is going on.

There are a number of things in this budget which I do not fully agree with, but in defense of the whole budget that we have passed, it has gone through the D.C. budget. In this budget, that the Mayor has signed off on, is the funding for the law school.

That is the District of Columbia's position, that there will be such a law school and that it will be funded. Obviously, you have your prerogatives, but I just want to make that very clear.

The Mayor indicates that there is a difference between the Council and the Mayor on this issue. The District of Columbia's position is that there should be a law school and that it should be funded, and we have voted the taxes of our citizens to pay for it.

To address more specifically the questions that you raised about the clinical void and the minority students, the D.C. Bar Public Services Office has testified that the loss of Antioch cannot be made up by the other schools that are existing. Other school clinics are small, usually based on third-year optional programs. The Antioch Law School has graduated 11 classes and in those 11 classes, it is estimated 19,000 poor D.C. residents have been represented. Half of the legal services offices in the city, have been closed in the last few years.

As to minority students, the Antioch enrollment is 35 percent against the national average of less than 5 percent, but we expect that with the D.C. independent law school, which will absorb Antioch's program, personnel and resources, but not necessarily do everything like Antioch did, that that number of minority students will increase.

COUNCIL REBUTTAL TO ADVISORY COMMITTEE'S REPORT ON LAW SCHOOL

The Mayor has presented to you a document commissioned after the law was passed. While on the one hand not wanting to bring you problems we have resolved at the District of Columbia level, giving that it has been placed in the record, I would ask to be placed in the record our rebuttal of it, which we do have available.

DEBATE REGARDING THE ANTIOCH LAW SCHOOL

Mr. CLARKE. But I want to reemphasize to you, I know this is your first year of chairmanship of this committee, we have a little etiquette here at the City Hall and that is that we try not to bring you our problems or disagreements. We try to resolve them.

This matter has been resolved. Legislation has been passed by the Council of District of Columbia and the Mayor did have the opportunity to testify. The Mayor did have the opportunity to veto it. The budget was passed by the Council of the District of Columbia. This was added into it. The Mayor had a line item veto authority, which he did not exercise.

The District of Columbia's position is in favor of the law school and its funding.

Mayor BARRY. Mr. Chairman, we did not want to bring a debate up hereto you, but I think it is obvious that you asked our position on it and we intend to carry out the law. I just wanted to give you our position.

Even with the $2.1 million in 1988, assuming our full support of the proposition, I do not think that is enough to do it. If we are going to underfund it, we ought to know what we are doing.

SUPPORT FOR A CLINICAL LAW SCHOOL

Senator HARKIN. I respect the Council's decision and your decision on this. All I can tell you is that I have some interest in this. I went to law school in the District of Columbia. I worked, for a while, in the Public Defender's Office in the District. I also worked in neighborhood legal services.

It became clear to me, at that time, back in the late sixties and early seventies, that there was a definite need for a clinically oriented law program in the District of Columbia that would be comprised mainly of minority students. The reason for that, I think, was very obvious. It still is obvious.

I am concerned that I believe some of the successes that we have had with the Antioch Law School here in the District of Columbia, in handling some of the tough cases, and in really letting those who cannot afford any legal help, letting them know their rights, giving them the adequate due process that they are entitled to under the Constitution, has just been a remarkable thing.

I do not know, maybe this new law school, maybe you are right. Maybe it will continue on that path and everything. I am just concerned about it, that we just have another law school in the District of Columbia, that is just like the one I went to, or American or George Washington or something like that, that is not clinically based. It has just a small little program, a few people go to it, they are there for a little bit, and they move on out.

One good thing about Antioch was that it had students who, over a long period of time, were involved in the actual hands-on legal processes of helping people. So I am just concerned about that shift in emphasis. Maybe I can be reassured later on. Like I said, I do not know that I want to get too much involved in it, but I just express my concern in that area.

DIFFERENT ISSUES RELATED TO ANTIOCH LAW SCHOOL

Mayor BARRY. Mr. Chairman, let me just be very clear. I have been a strong supporter of the Antioch Law School. In fact, the president and board of trustees of Antioch University were going to close it down a year earlier than they had decided to. I wrote a strong letter to the board urging them not to do so.

So the issue of Antioch and the service it has provided is clear. I have been very supportive of that.

I think where we differ here is whether or not there are other ways that the residents of the District of Columbia, particularly the minority community, can get a good clinically based education. Again, we do not want to bring you our differences but we maintain that right now there are four or five other good programs, unlike those days when there were only Howard and Antioch that offered those programs.

Our other concern is that only about 9 or 10 percent of the population of the students at Antioch are D.C. residents and we figure that we ought to find another way to get District residents a good clinical education.

So we will see how it works out. I am going to carry out my portion of the law, even though I disagree with the thrust of it. It is the law.

RELEASE OF FISCAL YEAR 1987 FUNDS FOR ANTIOCH

Mr. Clarke. Senator, if I may, just a last note. The Antioch Law School, as you indicated, has a tradition. Part of our sense of urgency and one of our reasons to try to find some way to move that money out of the university budget into the independent law school budget for this fiscal year, is that we want the independent law school to hold as much of the Antioch spirit and the Antioch resources—not only in terms of the library, which has already been donated, but in terms of the faculty, in terms of having the new students that come into the independent law school be able to share with the old students from the Antioch Law School, because we want to maintain that clinical approach.

Now obviously, as a legislature, we are not going to decree the policy for an institution of higher education. We have tried to follow the philosophy of deference in that regard.

ACKNOWLEDGEMENT OF COUNCIL MEMBER HILDA MASON

But we also are doing this now because we want to capture as much of Antioch as possible. I would like to indicate that all of that work will be overseen by the committee on education of the Council, whose chairperson is Council member Hilda Mason, who was involved with the formation of the Antioch Law School. She is with us here at this hearing today and I would like her presence to be noted for the record, as well. We feel very strongly about this issue.

Thank you.

RESPONSE TIME OF EMERGENCY AMBULANCES

Senator Harkin. Thank you very much, Mr. Clarke.

Mr. Mayor, I have two other items I wanted to go over. One is the ambulance service, the response time. I saw some figures, I do not have them in front of me now, in terms of the response time. I think about 10 minutes here and in some other jurisdictions it was 4 minutes, 3 minutes, that kind of thing.

What are you doing to reduce the response time? Here it is: Washington, DC, was 10 minutes; Baltimore, 4 minutes; Kansas City, 4 to 5; and Syracuse,4. It seems like all the rest are 4 to 5 minutes. Washington, DC, is twice as long.

I know you have had a lot of publicity about this, there has been a lot in the newspapers. Can you inform the subcommittee of what you can do to reduce the response time and eliminate these drivers that get lost all the time?

Mayor BARRY. Mr. Chairman, let me indicate that the perception that the ambulance service is not working is greater than reality. I have gone through this life like the official perception is fact.

Senator HARKIN. It is reality.

NUMBER OF EMERGENCY AMBULANCE CALLS AND TRANSPORTS

Mayor BARRY. In 1985 we had 112,000 ambulance calls. In 1987 we will have 136,000 ambulance calls.

Senator HARKIN. One more time. What was that?

Mayor BARRY. 112,000 calls for ambulance services in 1985. It is projected this year we will have 136,000 calls for ambulance services. On the other hand, if you look at the number of patients transported, in 1985 we had 64,000 and in 1987 we have 70,000.

REAL RESPONSE TIME

So the number of patients transported is going to remain about the same. The call for services is increasing.

Second, we do real response time. From the time you dial 911 and you say fire communications, that is when the computer starts ticking the time off. Baltimore, for instance, starts their response time when dispatch is given and the ambulance leaves the firehouse or wherever it is housed.

We are concerned about the response time. We have done an analysis and the majority of our midday calls are in Ward 2, the downtown area. We have a computer that tells us exactly where they all are coming from.

IMPROVEMENT IN EMERGENCY AMBULANCE SERVICE

What we are doing about that, one is getting information to know exactly where these calls are going. We are going to train additional emergency medical technicians so that every firehouse, every engine company, will have one or more emergency medical technicians. That is what will be on the ambulances, except the advanced life support ambulances.

This means that if ambulance 12 is at 14th and B Streets Southeast and is on a run, the second backup service would be the EMT on the pumper. That is how they usually do it, in Miami. They do it all over the country.

MEASURING TRUE RESPONSE TIME

So we think we can cut the response time down, but let us measure true response time. From the time the call comes in until the equipment arrives on the scene is true response time. Those numbers you used, we have checked them out and they are really dispatch time as opposed to when the call comes in.

Baltimore even admits that they start calling once they make the dispatch. It could be 2 or 3 minutes between the time the call comes in and dispatch. We do real response time.

REDUCING RESPONSE TIME

We think we can reduce the real response time. What is important is from the time you get a call, to the time somebody arrives on the scene. We think we can get it down to an average of about 6 or 7 minutes. On priority M, which is really life threatening cases, we can reduce it to 3 or 4 minutes.

Just 3 days ago we had several calls where we had ambulance services for priority M calls within 3 minutes of the time that the call came in.

CIVILIAN MANAGER OF EMERGENCY AMBULANCE SERVICE

We do have some management problems in the ambulance service. We are going to hire a civilian to try to manage it. We have found that firefighters who come through the ranks do not have management experience. They are good firefighters.

We want a good strong manager that can manage the ambulance service. Some cities have taken it out of the fire department. There are some cities that have contracted out, like San Diego, but we would like to keep it in the fire department with a civilian manager.

We think the perception is worse than it is, but that is fact. We can reduce this response time.

UPGRADING EMERGENCY AMBULANCE SERVICES

We just elevated the ambulance services from the deputy level to assistant fire chief level, reporting directly to the fire chief. We think we now have the ingredients to make this a very model ambulance service.

We also will have four rescue squads trained with paramedics as final backups, in case everything else fails. They are there to go to an emergency. For instance, if something happened right now in the Capitol, our idea would be that that rescue squad would be available if there were no other ambulances or fire trucks available.

So we think we are now beginning to get a handle on it. It is a problem, but not as serious a problem as it may appear to be.

Fortunately, we do not think that anyone has died as a result of it. Our service is getting better and our response time is getting better. We can do the computer runs. We cannot juggle the figures because the computer will tell us exactly what time we get a call and what time we go out on a run. Our goal is to reduce the response time to 5 or 6 minutes and on priority M calls, which is the real priority cases as heart attacks or seizures, to about 3 or 4 minutes.

Senator HARKIN. Mr. Mayor, I have two other areas that I want to bring out on the record. One is involving the new prison and my special interest, what I really want to discuss with you, is the debacle of the taxicabs in the District of Columbia.

Before I do that, I would ask Senator Nickles, if he has any questions.

DEATHS RELATED TO SLOW AMBULANCE RESPONSE TIME

Senator NICKLES. Mr. Chairman, thank you and I appreciate you yielding to me for a couple of pretty quick questions.

One, you mentioned on the ambulance service—to kind of follow up on the chairman's question—you said no one has died. I thought I had read reports where eight people had died due to the slow ambulance service. Is that correct?

Mayor BARRY. Senator, in this business of large suits, claims and damages, obviously the families are going to claim negligence on the part of the D.C. government. That will be solved in the courts.

At this point, we have not had to pay any settlements for negligence of any deaths from ambulances since I have been Mayor.

Senator NICKLES. Because you have not had to pay any settlement does not mean that that did not happen. All I was doing was reading the newspaper article that said that eight persons had lost their lives. I was wondering, you may not want to respond to that, but that has been reported.

Mayor BARRY. We will respond by saying that, first of all, I do not always believe what I read in the newspaper. That could be dangerous. It is dangerous, Senator.

Second, we maintain that we are not responsible for negligence on any part of those deaths.

But on the other hand, I am sympathetic of the families of anybody who dies, whether or not we were responsible. In each of those events, I try to contact the family and express my sympathy and condolences. Legally, we maintain we are not responsible for those deaths.

APPARENT CORRUPTION IN THE DISTRICT GOVERNMENT

Senator NICKLES. Let me move to a couple of other quick things. You mentioned earlier, when you were talking about your financial management and the fact that you had some balanced budgets and so on, the fact that services have grown substantially, I have been concerned by the amount of corruption that I see in D.C. government, the number of people that have been convicted, the number of people that have been indicted, either in your administration or in positions of leadership in D.C. government.

One article in January stated that 10 D.C. officials were convicted since 1979. You were talking about procurement, wasn't Alphonse Hill recently indicted? Was he convicted?

Mayor BARRY. Senator Nickles, let me indicate that I abhor anyone who would violate the public trust, who would take from the public treasury, and who would steal. I think elected officials over the country wrestle with that. The mayor of San Diego went to jail.

Fifteen judges were indicted in Philadelphia for corruption.

We think we have a handle on it here. We have three systems in place which we think will work. The Council Chairman has another idea about a system that he thinks will work.

Any employee who takes one penny of government money, and is criminally convicted will go to jail. That is my position.

What we have in Washington is a miscue compared to what is happening in New York City. I am not saying that that is right. I am just saying that we think we have a handle on it.

Senator NICKLES. Did they have a deputy mayor convicted or indicted in New York City?

Mayor BARRY. They have had so many people indicted and convicted in New York City I have lost count.

INTEGRITY MEASURES IMPLEMENTED

Senator NICKLES. I would grant you, there is some corruption there, but there is more direct input on the District on this committee than New York City. Looking at these summaries, I would just say that evidently there has been some mismanagement and that you really need to tighten—and maybe you have already implemented procedures—screening, selection, appointment of people with integrity beyond question, so you get away from these headlines.

They have been almost daily. They have been coming up continually.

Mayor BARRY. Senator, I have established an integrity unit within the police department, a hotline in the Office of Inspector General, and also asked a distinguished, retired superior court judge to be my integrity ombudsman.

We now require all top appointees in my administration to submit 5 years of federal income taxes. First of all, we want to see if they paid them or filed them. Second, I just lost a potential deputy mayor because we put that potential deputy mayor under the greatest of scrutiny. In fact, we went to the Federal Office of Ethics for an informal ruling on it. We were not required to do so, we did that.

We just could not resolve the fact that her husband owns substantial stock in a major investment firm.

Senator NICKLES. Let me just encourage you to try and get it as clean as possible because I think it hurts you.

Mayor BARRY. I am the No. 1 advocate of trying to make sure we hire people of integrity and honesty. When I find out that they are not, we are going to put them in jail. If it is a management problem, we are going to fire them.

I am an advocate of that. I appreciate that. We are trying desperately. No matter what system you set up, you are going to have some people, including members of Congress or staffs of Congress, that are going to steal or take something that is not theirs.

AIDS TESTING IN THE PRISONS

Senator NICKLES. I would just encourage you to do as much as you possibly can. Let me move into a couple of other quick issues.

Recent reports concerning the AIDS epidemic in the District, particularly in a couple of jails, amongst the drug users in the jails. AIDS, as you know, is a deadly disease. It is not just a health problem, it is a deadly disease.

Are you testing all inmates that have used intravenous drugs?

Mayor BARRY. We have, Senator Nickles. This is not only a deadly disease, it is almost an epidemic at this point, in both the nonjail population and jail population. We just did a sampling of a number of our residents. We are considering, and it is a very delicate or controversial issue, whether or not to have forced testing for the AIDS virus of all the people who come into our system.

Senator NICKLES. Into the prison system?

Mayor BARRY. The prison system. That is a policy consideration we are looking at. An addendum to that is another controversial area, should we dispense condoms in prison. We are caught on both sides. If we do, we are encouraging homosexuality because we have male prisoners segregated from females.

On the other hand, physicians say that the best prevention for AIDS is the use of condoms. So we are considering that.

The answer is that we have not yet decided whether we ought to test all inmates who are sentenced or who are detained. I think we have more of a problem legally testing those who were detained than we would those who are sentenced.

Senator NICKLES. I might just inform you that in my state, they have passed——

Mayor BARRY. Do you have any views on that?

Senator NICKLES. Yes, I do, strongly, and I will mention just in passing that our state passed legislation for persons convicted of drugs or sex crimes. Moving into the second part of that, this one statistic just shocked me when it said 80 percent of those who were tested in one category of drugs were tested positive with the virus and then another one, on a large sample, was a lower percentage. But it still is such an enormous percentage that I would encourage you to test.

Now I would hope and would think that a lot of people, when they find out they have the virus, maybe they would change their sexual patterns or at least take some preventative moves.

AIDS TESTING OF PROSTITUTES

Let me move to the second side of that. There is also a report that a large percentage, on a small sample, of prostitutes in the District, 50 percent of those tested were tested positive for having the AIDS virus.

Mayor BARRY. Senator, the Council had a hearing yesterday on trying to increase the sentences for prostitution, so as to discourage it. I guess, are you suggesting that we test prostitutes?

Senator NICKLES. Were you finished? Did you want to make a response on the corrections?

AIDS STATISTICS IN PRISON POPULATION

Mayor BARRY. Yes, I did. I wanted to state for the record, to date we have had a total of 12 diagnosed cases of AIDS, and we have some 7,000 people locked up as of this morning.

Senator NICKLES. Wait a minute. That is a misstatement or a slight misstatement, I think. How many have tested positively with the AIDS virus.

Mayor BARRY. 375 tests have been performed with 187 positive results.

Senator NICKLES. I think that is the key question. In other words, that is about half. Those who were tested positive with the virus?

Mayor BARRY. Mr. Chairman, let me just say I am going to get into this a little bit later with my staff. The methodology was not right. When I found out about this, I hit the ceiling. I found out a number of the persons have been tested twice somehow or another.

One, they were tested while they were at D.C. jail when they had been convicted, and were tested again when they were sent to one of our nine institutions at Lorton. So I am going to try to get a more concise count.

Even if it is half the 187, that is a problem. This thing can spread like wildfire in a prison where you have 1,100 people, such as we do at central facility, with our dormitories, this could spread to 300 or 400.

Senator NICKLES. Let me just make a couple of comments. I think it is a serious problem that most people fail to recognize. That 187, if those are distinct individuals, are probably going to die. The majority of those are probably going to die within the next 7 or 8 or 9 or 10 years.

If they come into contact with a lot of other people, they are going to kill them as well. So it is an epidemic, as you say, and it is a deadly disease and so I would encourage testing. Maybe that would make the person be more responsible if they found out they had the virus, not using words like they have AIDS, because again they are carrying the virus. It will eventually progress, or for a high percentage, will eventually progress into the deadly stage, AIDS.

Those percentages are scary. So whatever can be done to protect those people who do not have AIDS that are in that prison. I hate to think somebody would go into that prison maybe 16 years old or 18 years old on some first offense drug conviction where he goes into prison or something, and then the next thing you know he has contracted AIDS and basically has a life sentence then.

That is what really concerns me.

We need to move on, very quickly, just one final question.

Mayor BARRY. Senator, I agree with the thrust of your direction. It is a serious problem. That is why I am taking it seriously. That is why the Department of Corrections is working with the Commission on Public Health. They are trying to come up with a solution. Even if it is controversial, I am going to take it on.

Senator NICKLES. I hear you. I think you should.

Mayor BARRY. Life is more important than controversy.

Senator NICKLES. And protecting those people who are unexposed.

One final question, and line of thought, is the second side of that. There are also reports that prostitutes in the D.C. area—and I understand the Council, I read something this morning, where you are looking at trying to increase the penalties for prostitution.

LARGE PERCENTAGE OF PROSTITUTES WITH AIDS

A couple of comments. One, the article said that 50 percent of those who were tested had AIDS. Now AIDS is spreading through the heterosexual community, so that is a very scary scenario.

You mentioned suggestions. There is legislation proposed which would require persons who are convicted of prostitution to have AIDS testing. I think that makes eminent good sense and would encourage you in that regard.

I also would encourage the Council to increase the penalty for prostitution. Is prostitution against the law in D.C.?

Mayor BARRY. Absolutely.

Mr. CLARKE. No, it is not. Soliciting for purposes of prostitution is against the law. [Laughter.]

Senator NICKLES. You can tell he is a lawyer. [Laughter.]

I am not trying to build up a case. What I am trying to say is in many areas of the District, or at least in some areas of the District, you have rampant prostitution and that, in my opinion, should be cracked down upon. That does not make the city look good and particularly, if the public knew that as many as 50 percent of those prostitutes possibly have AIDS, and that casual contact with one of those persons may again end up being a death sentence, hopefully that would deter people.

But that is happening today and it is open. When I read in today's paper something that says the penalty is $300 but usually it is reduced to a $100 fine and they are back on the streets in 24 hours, that is not a deterrent to prostitution and I think you have to have either tougher laws or better prosecution because those persons who are infected and who are carrying and spreading the virus are killing people.

I would encourage you to be aggressive on testing, for persons convicted of prostitution or soliciting for prostitution, and on cracking down on prostitution. If it is against the law, prove it. But you cannot tell it if you drive downtown.

Mayor BARRY. Senator, let me say the best deterrent against prostitution is for these men not to solicit. That is the best one. I hope the word gets around that 50 percent of the prostitutes have AIDS and they ought to not do that.

On the other side of it, we have cut down tremendously on this profession that predates all of us in this room. We have cracked down on prostitution and done all we could to keep it off the street.

Senator NICKLES. It is still rampant.

Mayor BARRY. No city in America, including Oklahoma City, I am sure, has ever solved the prostitution problem. I know friends in Oklahoma City, and I am not trying to be smart or anything, but we all wrestle with these kinds of problems.

The best way is for these men to not be out here soliciting. We are vigorous in our pursuit. There are some other problems that are even greater than prostitution. There are none greater than AIDS.

DRUG EPIDEMIC

We are facing a drug epidemic and we have been spending most of our resources, quite frankly, on trying to crack down on drug dealers and drug pushers. We have arrested 16,000 people since August of last year, in Operation Cleansweep, and we intend to keep it up. I agree with you.

I have asked mayors around the country and this is my ninth year as mayor, how have you done it? No city—that does not give us any excuses either—in America is free of major prostitution.

HIGHEST PERCENTAGE OF PROSTITUTES WITH AIDS

Senator NICKLES. You may have the highest, I do not know, until you do a serious sample for AIDS testing on prostitution, you may have the highest percentage of prostitutes with AIDS of any city in the nation. I do not know. If that figure of 50 percent is true, and you will not know it until you do more thorough testing, then you have a serious problem.

Prostitution has always been a problem. I agree with you. It has been here for centuries. But now it is a deadly problem. Now it is killing people. Now it is spreading and you may have a casual sexual affair and that can spread to families and so on. So again, it is very serious and it is very rampant, as well.

Senator REID. Senator Nickles, this is not much of a source, but National Public Radio had a piece yesterday on this and the District is not one of the highest. It is quite a ways below many places. The highest is a place in New Jersey where over 80 percent of the prostitutes tested with AIDS.

Mr. CLARKE. Senator, if I might, the distinction that I made earlier——

Senator NICKLES. Las Vegas was the lowest in the same reports. Las Vegas showed zero. I do not know how they did it.

Mayor BARRY. What did you say?

Senator NICKLES. In Las Vegas, for some reason, the prostitution samples that they had came out very——

Senator REID. It is the type of people we get. [Laughter.]

Senator HARKIN. It is legal out there.

Mayor BARRY. They have experienced prostitutes in Las Vegas.

Senator HARKIN. Is it not legal?

Senator REID. In some places, not Las Vegas.

Senator NICKLES. I made my point, and I do encourage you, and the City Council, I know you are working on that now. I hope we can make some progress.

COUNCIL LEGISLATION REGARDING PROSTITUTION

Mr. CLARKE. Senator Nickles, if I might, the distinction I made earlier was relevant to the enforcement question because our law is such as it is. To prove a crime, there has to be solicitation. Professional prostitutes know that and so, therefore, it is put upon the customer to make the solicitation and sometimes enforcement is extremely difficult because of that.

On the other hand, if you made prostitution itself the crime, proving that is going to involve activities on the part of the police officers, which are extremely difficult. They did it in Arlington onetime and they really caught a lot of heck for that.

As to the penalty for the prostitutes, once they are gathered, the thought behind the bill that is in the City Council, which I support, is that arrest is an occupational hazard for a prostitute. Where the pinch comes is in the money.

We have a triple-offender statute which allows for three times the amount of the fine to be assessed against the person if they have two convictions of the crime. So the maximum penalty now for a prostitute with two prior convictions is $900. That, of course, is the decision of the court, whether to assess that or not.

By increasing it we hope, one, to increase the options; and two, to send a message to the court. To lock these ladies up does not really wind up doing anything because one, they come back; and two, we wind up paying the cost rather than them. We think that a very high fine will take some of the economic incentive out of the activity and that is the genesis of that approach.

Senator NICKLES. If you put AIDS testing as well, they might learn, for the first time in some cases, whether or not they were carrying and spreading the virus.

Mayor BARRY. Senator, I think that is an excellent idea and when I leave here I will get with my people to see if that requires any legislative action on the part of the Council or whether or not we have the authority to do it.

Senator NICKLES. I appreciate it.

FISCAL YEAR 1988 BUDGET REQUEST FOR AIDS FUNDING

Mayor BARRY. Let me make the correlation. A significant number of the prostitutes in Washington are also drug users so that is why you have the interconnection. I will look into it when I leave here.

There is nobody more concerned about AIDS than I am. In this budget, for 1988, we are proposing almost $3.6 million for AIDS education and AIDS outreach, more than any other city in America next to San Francisco.

Senator NICKLES. Thank you, Mr. Chairman.

Senator HARKIN. Mr. Mayor, I just have a couple of things and I have to leave and I will turn over the subcommittee to Senator Reid.

COMMUNITY INVOLVEMENT AND PARKING AT NEW PRISON FACILITY

One deals with the prison. I know it is well on its way, things are moving forward. I do not mean to second guess it too much. I am somewhat interested, or I should say curious about the site of the prison. Obviously, I have heard from some community groups in that area who are quite concerned about the location of a prison there.

These concerns regard things like traffic patterns, modifications of traffic patterns in the area. It is a major concern to some people in that area. I guess what I want to ask you, and if you do not have the answer now, at least submit it for the record about what your proposed traffic pattern is for this facility, both for the construction vehicles when they are building it, because that is going to be a big building project, and also for the traffic after, once the site is completed.

Again, I also wanted to ask you that if you could again give us some assurances that, prior to beginning construction, you and your staff would meet with local citizens of the neighborhood and at least provide them the opportunity to meet and discuss these proposed traffic patterns before they are fully implemented.

Mayor BARRY. Senator Harkin, we are very sensitive to the community. Let me say that no one wants a prison in that community, except me. I would not mind one, frankly, being next door. I would not care. Ninety-five percent of all those persons convicted in the District of Columbia are D.C. residents and my attitude is that we have a responsibility to house a lot of people here, as opposed to all of them in Virginia.

We have been very careful about this. We have established a correctional treatment facility advisory council made up of residents of that area. They will be with us every step of the way, in terms of the design and construction of the facility. The construction workers will park on the site only and not disrupt the neighborhood.

We are making plans for permanent parking for those employees who will work at that correctional facility. We also will offer employment to those residents who live in that area first, as a way of getting them involved with what we are trying to do.

No one wants a prison in their neighborhood. I understand that. In fact, this may sound facetious, but when Senator Specter was chair of this subcommittee, the state legislature passed a law in Pennsylvania, to build a prison in New Jersey. This is how tough it is.

So the basic problem is no one wants it.

Senator NICKLES. Mr. Chairman, may I submit some questions for the record?

Senator HARKIN. Yes.

Senator NICKLES. Thank you, very much.

Mayor BARRY. Thank you, Senator Nickles. Take care of your Oklahoma constituents.

Senator HARKIN. I understand what you are saying. The conference report on the fiscal year 1987 D.C. Appropriations Act stated that the District officials should meet regularly with area residents.

Mayor BARRY. We will do that. We have done that. If you have any specific ones, let Tim know and we will do it. We want this to be as comprehensive and as large as we can get it.

TERRIBLE TAXICAB SERVICE IN THE DISTRICT

Senator HARKIN. The last thing I wanted to bring up with you, Mr. Mayor, is when you stated earlier about this being not only the District of Columbia, it is the capital of the United States. It is the first city in which people traveling from other countries see when they come here, in many cases.

As you know, we have tourists here, not only from all over the United States, but all over the world. I just have to tell you that having traveled in most areas of the industrialized and many parts of the Third World, I think this has got to be the worst taxicab situation of any major city in the world. I mean, it is abysmal. Ihave not seen anything like it.

I tell you, I have been in most capitals of the industrialized world and I think some of the Third World countries are even better than this.

Let us face it, when you come into the airport or you come into the train station, whatever it is, one of the first contacts you have is a taxicab. They are run down. They break down. Taxi drivers, many times you cannot even hardly converse with them because they are not conversant in the English language.

We passed the provision, in the 1987 appropriations, deleting the provision that says it has to be by zone. So now they can go to a metered system.

I am just curious as to what plans you have and are formulating, what plans you have to upgrade the taxicab service in this city, to move to a metered system rather than a zone system, get that behind us for once and for all, and to really make the taxicab system in the District of Columbia, again a source of pride, just as the Metro system is a source of pride to you and to all of us around here, to make the taxicab system something clean, neat, you know what the fares are because they are right there on the meter. There are no problems. There is a good board overseeing them, a commission.

People keep asking me that and so I guess I am asking you what plans you have and how soon we can begin to see these implemented?

Mayor BARRY. Senator, we have some hard-working cabdrivers. On the other hand, there are some people who can barely speak English. There are drivers who do not know the city. All those things are true. It is an embarrassment to those hard-working cabdrivers and to our city.

ESTABLISHMENT OF A TAXICAB COMMISSION

Fortunately, in this instance, we are ahead of the curve. The Council and the Mayor, working together, have established the Taxicab Commission. The chair of the commission is a former chairman of the Council.

The rate setting, the issuing of licenses, and the supervision of the cab industry was scattered into four or five different places. It is now being pulled together with the establishment of the Taxicab Commission. The commission was sworn in last week. Mr. Dixon, the chairman, will meet with me next week to discuss operations and how we move ahead.

We are going to be very strict on those persons who drive without faces. We have a significant amount of those who do that. There are some cab companies, in the minority, who knowingly allow people to drive cabs without faces. We are going to look at the penalty for that. Right now I think the penalty is $100. I am going to look at making it unproductive and unprofitable to do that.

I think when we come back again, before the subcommittee next year, you are going to find that our taxicab industry has been cleaned up tremendously. There are taxicabs who will not take people east of the Anacostia River, which is illegal, but they will not do it.

MARYLAND AND VIRGINIA CABS IN THE DISTRICT

We have another problem, Senator, which we are trying to figure out how to deal with. When you come into National Airport, you can get a Virginia cab, a Maryland cab or a D.C. cab. The law now is that the Maryland cab or Virginia cab coming into Washington, cannot transport within Washington. Once it drops you off say at hotel A, it cannot pick up passengers and take them to hotel B. I do not happen to agree with that.

So we have to straighten that out. We will try to work with the Maryland and Virginia people to get them to have more stringent oversight over their cabs. We will develop reciprocal agreements where we can cite them or vice versa. We have a significant number of Maryland and Virginia cabdrivers who come into the District and drop you off at say the Capitol and pick up Mr. Clarke and take him to hotel B. That is against the law.

This Taxicab Commission, and I do not want it to be a panacea, will bring it all together and regulate the taxi industry.

AREAWIDE TAXI SERVICE

Senator HARKIN. Why cannot you have an areawide taxi service like you have an areawide Metro service?

Mayor BARRY. That may be an idea whose time has come.

Senator REID. Mr. Chairman.

Senator HARKIN. Let them do that, cross the river and stuff like that.

Senator REID. Mr. Chairman, I really appreciate your interest in this. I mean, it is just terrible. I went down to a function at the Democratic Club and some guy pulls up there in a cab in the middle of the street and would not move. I mean, people were honking at him. He finally got out and walked inside and left his car there.

This is just one of many examples that I know of. I know that we had problems in southern Nevada, the Las Vegas area, and a taxicab authority was created by the legislature and it has been strict, hard and it has really been good for our tourist-oriented community, and I would like to suggest that you look at that.

My only other suggestion, Mr. Chairman, is that rather than waiting until next year, when you develop some type of a plan, report to the subcommittee so we can look at it. I would be interested in seeing what ideas you have had.

UPGRADING THE TAXI SERVICE

Senator HARKIN. Again, not in a way of interfering, but in terms that there may be some help and assistance that this subcommittee might be able to provide. To upgrade a taxi system costs money and to try to get an efficient, clean, modern taxi service——

Senator REID. Why not central dispatch? That is one of the things they have gone to in southern Nevada. I think all of the cab companies now are dispatched out of one place.

Mayor BARRY. I would like very much to do that. We will get with your staff and get that legislation to see how it operates. What I meant by coming back next year does not mean I will not let the subcommittee know before then. I was saying that I am meeting with Mr. Dixon next week, who is going to chair the Taxicab Commission. It is a full-time job. The Taxicab Commission will have a full-time staff.

We are increasing the number of inspectors. We are going to be more rigorous in the enforcement of the present laws. For instance, the present laws require cabs to be able to pass the inspections. They are supposed to be clean. The drivers are supposed to be hygienically clean.

Senator HARKIN. Would you just have your staff get a hold of Mr. Leeth? Have, what is his name?

Mayor BARRY. Mr. Dixon, Arrington Dixon.

Senator HARKIN. Have him come up within the next few weeks and we will just sit downstairs and let us talk about it. I would like to kind of go through your plans and what you are doing and maybe take a look at what some other cities have done here and abroad.

OPPOSITION TO TAXICAB METERS

Mayor BARRY. That is what I want to do with Mr. Dixon.

Also, Mr. Chairman, and members of the committee, let me just indicate though there is not any monolithic view about meters. There is great opposition in some parts of the city and the taxi industry. So I am sure you will hear about this debate.

My view would be to try to figure out a way to resolve this debate.

CLOSING REMARKS OF SENATOR HARKIN

Senator HARKIN. See if we can get the adjoining jurisdictions to join in on some type of areawide plan with meters, so much per mile, all that kind of stuff.

I am sorry, I have to excuse myself. I will turn the subcommittee over to Senator Reid. I notice Senator Grassley is here also.

Thank you very much. I look forward to meeting with you further on this.

Mayor BARRY. Thank you very much, Mr. Chairman. It was good to see you. Thank you very much.

SENATOR REID PRESIDING

Senator REID [presiding]. I have a couple of questions for Mr. Clarke. I am sorry I missed the discussion on the law school. We, in Nevada, had our own battle related to the law school and the legislature has made the decision tentatively on a private school, through the board of regents, that they are not going to do anything to bail it out, that there are too many law schools now in the country, and we need not have another one.

But anyway, I am sure they were taking all that into consideration. We know that there are a lot of law schools here in the District of Columbia, one of which I graduated from. Other than indicating what has happened in Nevada, I am sure you have lots of advice.

UNEMPLOYMENT RATE IN THE DISTRICT

To some more specific questions. Do you know what the unemployment rate is now, in the District of Columbia?

Mayor BARRY. Senator, I think officially it is about 7.3. Unofficially, among black youth, it must be 35 or 40 percent.

Senator REID. Which is lower than it is most places?

Mayor BARRY. That is because we have a director working full time, trying to get jobs for our young people. We are the only city in America that can offer a job during the summer for all of our young people between the ages of 14 and 21. We are also spending a considerable amount of our own money to have an ongoing job training program.

That is why it is lower, because we just work harder at it.

Senator REID. You understand, of course, that that 7.3-percent figure is very misleading, as all unemployment figures across the country exclude many people for a lot of different reasons. But that figure, of course is not——

Mayor BARRY. It is higher than that, in reality. That figure only counts those who are still looking for work, not those who have gotten discouraged and dropped out of the unemployment compensation system. That is why I said officially.

Senator REID. Has there been a fluctuation over, say the last 5 years?

Mayor BARRY. It has gone down every year. It is probably the lowest it has been in the last 12 years.

SUBURBAN JOBS PROGRAM

We also have a good program with our suburban neighbors. It is called our suburban job program. We have taken District residents and gotten them jobs out——

Senator REID. I am familiar with that.

Mayor BARRY. We have hired over 6,000 people through that process. We still have too many people out of work, though.

Senator REID. I think it is great.

Mayor BARRY. Our problem is we need to work with our school system more to stem our dropout rate. We have got a high drug problem here and we are trying to reduce that.

PROFILE OF THE DISTRICT'S UNEMPLOYED

Senator REID. Do you, or anyone on your staff today, have a profile of the District's unemployed?

Mayor BARRY. Yes; the Urban League did a profile a couple of years ago. It was a sampling profile. And we also have some profiles, too. We have those that are registered with us. This is about 16,000 or 17,000 people who are registered for unemployment compensation.

I would like to get with your staff and find out what you would like to get out of the profile.

Senator REID. Any statistics that you have on the profile of the unemployed. I would appreciate your submitting them to the subcommittee, and also to me, because I am interested in this.

Mayor BARRY. That is an area of high priority, I am sure for you and for me.

UNEMPLOYED ON WELFARE

Senator REID. Tell me about the unemployed that are on welfare. Is there a significant number of those that are unemployed that are now on welfare?

Mayor BARRY. Yes; I do not have the specific data, but I think we have about 21,000 or 22,000 families on Aid to Families with Dependent Children [AFDC].

I would say that 85 percent of those are probably unemployed and 95 percent of them are single women head of households.

On the other hand, we had 2,000 taken off of the welfare rolls last year through job training and job incentives. We intend every year to try to get that number down significantly. On the other hand, some other persons are primary recipients or grandmothers and obviously you cannot do much with that. For those who have children over 6 and are able-bodied and able to work, they are supposed to register with us, which they have done. We are supposed to try to get them job training and get them work.

That is being done now. I could get you the exact figure, of how many of those are still in the pipeline and not working and those who cannot work. Either they are disabled or they are grandmothers or aunts or others who are just out of the work force because of age reasons.

THE STRUCTURAL AND CYCLICAL UNEMPLOYED

Senator REID. Tell me about, if you can, a breakdown of the unemployed that are structurally unemployed, and those that are cyclically unemployed. That is, those people—well, I need not explain that to you. Do you have a breakdown or could you get a breakdown?

Mayor BARRY. We have some very good knowledge on that and I will get that for you.

[The information follows:]

A PROFILE OF UNEMPLOYMENT IN THE DISTRICT OF COLUMBIA

Unemployment

The number of unemployed persons and the rates of unemployment for the city as a whole have decreased from 1983 through 1986. Unemployment was distributed almost evenly between males and females in 1986. Their rates differed by only two tenths of a percentage point, with males at 7.8 percent and females at 7.6 percent. A greater discrepancy in distribution surfaces when viewed from the perspectives of race, marital status, and age. The racial distribution discrepancy is quite prononuced.

Blacks account for 88 percent of all unemployed persons, and their 10.4 percent rate is more than 4 times as high as whites. In contrast, blacks account for only 71 percent of the working age population. A most disproportionate share (68 percent) is held by single (never married) persons. In contrast, this segment comprises 42 percent of the total civilian working age population.

The greatest concentration of unemployed persons occurs in the 25-34 age bracket (8,000), followed second by the 20-24 bracket (7,000), and a tie for third by the 16-19 and 35-44 age groups with 4,000 each.

Teenage Unemployment

Teenage unemployment (16-19) at 27.7 percent in 1986 is more than three times the overall rate for the District. The fact that it is considerably higher than the overall rate is not unusual. The rates for teenages have historically been high for all geographic areas. This is basically because of the unique nature of this segment of the population. These are persons who are making the transition from school and, not having been in the labor force, many find the barriers (lack of work experience, transportation, age discrimination, etc) difficult to surmount. The rates for teenage unemployment in the District have declined from 47.7% in 1983 to 27.7% in 1986.

FRICTIONAL, STRUCTURAL AND CYCLICAL UNEMPLOYMENT IN THE DISTRICT OF COLUMBIA

Traditionally, economists have divided unemployment into three major classifications: (1) Frictional Unemployment, (2) Cyclical Unemployment, and (3) Structional Unemployment, defined as follows:

o Frictional Unemployment - Frictional unemployment is temporary joblessness of individuals who are between jobs, engaged in seasonal work, have quit their jobs and are looking for better ones, or are looking for their first job.

o Cyclical Unemployment - Cyclical unemployment arises from changes in the level of business activity during the course of a business cycle. During recessions, people spend less, sales decline, firms cut production and lay off workers. Personal income and profits then decline causing reduced tax revenues. Government services and programs may also be reduced, all of which create unemployment of a cyclical nature.

o Structural Unemployment - Structural unemployment, like cyclical unemployment, is long-term unemployment. It results from permanent changes in the kinds of workers needed in the economy. For example, new technologies replacing workers, imports causing lay-offs, and youth and others without skills are all examples of the structurally unemployed.

How much of the unemployment in the District is frictional, cyclical and structural is difficult to define in quantitative terms. However, the following analysis is useful in approximating the various levels of each type of unemployment in the District. The analysis is carried out using annual average place of residence labor force data for 1986.

Analysis of Frictional Unemployment

If the labor market was functioning perfectly, one would expect to still find some workers changing jobs, looking for seasonal work, or entering and re-entering the labor force. Thus, some unemployment is necessary and useful in a free economy. As we have seen, this type of unemployment is called frictional. Relatedly, an economy operating at this level of efficiency would be at or near full employment. Full employment is generally described as 4 or 5 percent unemployment. The Full Employment Act (Humphrey-Hawkins) sets 4 percent as the target. Thus, one could assume that when unemployment is 4 percent of the labor force, this is also an approximation of the level of frictional unemployment. Thus, during 1986, frictional unemployment can be estimated as 4 percent of the 328,000 people in the District's labor force, or some 13,000 frictionally unemployed individuals.

Analysis of Cyclical and Structural Unemployment

Cyclical unemployment is the result of a down swing in the general economic activity in the national and local economies resulting in rising rates of unemployment. This analysis is built on the assumption that at the peak of a business cycle, most (if not all) cyclical unemployment has been eliminated from the labor market.

Since the total unemployed labor force in 1986 was 7.7 percent, and 4.0 percent (13,000) has already been estimated as frictional, the remaining portion (12,000 or 3.7 percent) is a combination of structural and cyclical. Based on the percentage distribution of these combined segments in the last available estimate of all three components, the structurally unemployed will comprise 59.8 percent, with the remaining of 40.2 percent attributable to cyclical unemployment.

Thus, of the remaining 12,000 unemployed persons, 7,000 are estimated to be structurally unemployed, and 5,000 as cyclically unemployed.

Thus, of the 25,000 unemployed persons in 1986, the overall distribution is as follows:

	Amount	Percent Distribution
Frictional	13,000	52.0
Structural	7,000	28.0
Cyclical	5,000	20.0
Total	25,000	100.0

Characteristics of the Long-Term Unemployed

Problems of dislocated workers clearly are related to structural unemployment. The Job Training Partnership Act (JTPA) uses long-term unemployment (15 weeks or more) as one of the eligibility criteria to define dislocated workers. Traditionally, labor market analysts have also used long-term unemployment as an indication of structural unemployment.

During 1986, 27 percent of the unemployed in the District were unemployed 15 weeks or more. Thus, this seems to substantiate the estimate of 28 percent structural unemployment.

The District's long-term unemployed in 1986 had the following characteristics:

- o 86% were black
- o 57% were Male
- o 86% were 20 years old or older

Thus, based on the foregoing analysis, approximately 3 out of every 10 unemployed persons in the District are structurally unemployed. Nearly 60% were males, and more than 8 out of 10 were over 20 years of age.

Outreach Efforts

Employment Services Programs have been directed towards intensive outreach activities to reach the structurally and cyclically unemployed D.C. resident. Some of the activities include special recruitments at the neighborhood Employment Services Centers for selected groups which have high concentrations of structurally unemployed persons such as:

- o Services to homeless citizens at city supported shelters;
- o Unemployed parents in the SMART (Single Mothers Are Resources Too) Program, and the Youth Employment Act, OJT Program;
- o Those on AFDC through the Work Incentive, WIN Program;
- o Family members participating in the citywide OSAY program;
- o Recruitment of Hispanics through the Latino Outreach Center;
- o Coordination with the Board of Parole for job placement and referrals to training of ex-offenders released from the District's correctional facilities through the Special Temporary Employment Program, STEP;
- o Promotion of the Targeted Jobs Tax Credit Program as an incentive for employers to hire economically disadvantaged residents, ex-offenders, the handicapped, those on AFDC, vietnam veterans, and youth;
- o Coordination with community and civic organizations to advertise the Department's services;
- o Increased public service announcements and a public affairs campaign to increase the community's awareness of job vacancies and training opportunities available for the long term unemployed; and
- o Transportation subsidies and assistance in securing jobs located in suburban jurisdictions.

COMPARATIVE SUMMARY PROFILE OF UNEMPLOYMENT
DISTRICT OF COLUMBIA
1983-1986

	Number (000)				Rate			
	1983	1984	1985	1986	1983	1984	1985	1986
TOTAL	38	29	27	25	11.7	9.0	8.4	7.7
Black	34	26	25	22	15.8	12.1	11.4	10.4
AGE								
16-19..................	6	6	5	4	47.7	36.5	31.6	27.7
Black (16-19)	6	5	5	4	52.4	40.5	34.8	31.1
20-24	12	8	7	7	24.3	17.6	19.4	15.9
25-34	11	10	8	8	9.9	9.7	7.5	7.6
35+	10	6	7	7	6.7	3.7	4.3	4.3
SEX								
Males	23	15	14	13	14.3	9.2	8.4	7.8
Black Males	21	13	12	11	19.3	12.7	11.5	10.6
Females	15	14	14	13	9.1	8.8	8.5	7.6
Black Females	13	12	12	11	12.3	11.6	11.3	10.2
MARITAL STATUS								
Singles	25	19	18	17	16.4	12.9	12.3	11.2
Married	7	4	4	4	6.5	4.4	3.8	3.9
Divorced, Separated, etc.	6	5	5	4	9.2	7.5	7.6	5.8

Detail may not add to or be completely consistent with totals because of rounding.

Source: U.S. Department of Labor, Bureau of Labor Statistics, Current Population Survey Annual Averages.

CHARACTERISTICS OF THE UNEMPLOYED LABOR FORCE
DISTRICT OF COLUMBIA
1986

	Number (000)	Rate
Total	25	7.7
Sex		
Males	13	7.8
Females	13	7.6
Race		
White	3	2.5
Black	22	10.4
Marital Status		
Single (Never Married)	17	11.2
Married (Spouse Present)	4	3.9
Other Marital Status	4	5.8
Age Range		
14-15	1	30.9
16-19	4	27.7
20-24	7	15.9
25-34	8	7.6
35-44	4	4.6
45-54	2	3.8
55-64	1	2.8

Industry	Number (000)	Rate
Total 1/	23	7.0
Construction	2	18.1
Manufacturing	1	11.1
Transportation, C.P.U.	1	6.2
Trade	6	14.7
FIRE	1	5.8
Service	7	6.6
Government	3	3.4

Occupation		
Total 1/	23	7.0
Executive, Administrative and Managerial	1	2.2
Professional Specialty	2	2.7
Technicians and Related Support	(x)	3.9
Sales	3	11.3
Administrative Support, including Clercial	4	5.4
Service	7	10.2
Precision Production, Craft and Repair	2	8.4
Machine Operators, Assemblers and Inspectors	1	16.2
Transportation and Material Moving	1	11.2
Handlers, Equipment Cleaners, Helpers and Laborers	2	21.1

(x) Less than 500

Reason	% Distribution
Total	100.0
Job Losers	46.4
Job Leavers	11.4
Reentrants	31.4
New Entrants	10.5

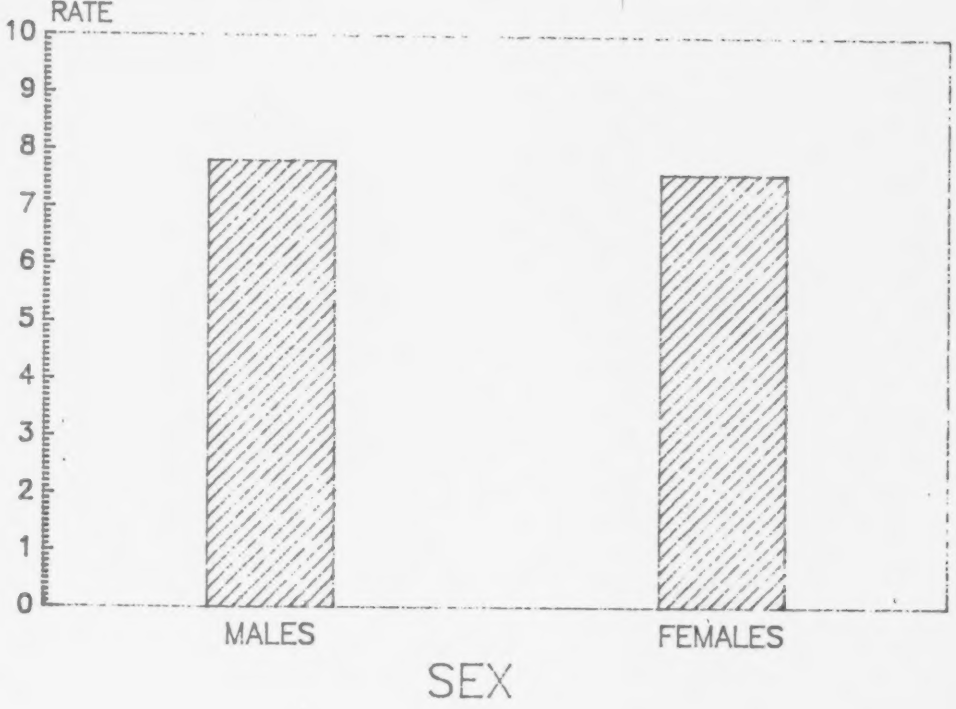
Duration	
Total	100.0
Less than 5 weeks	40.9
5-14 weeks	31.9
15 weeks and over	27.1
27 weeks and over	12.5
52 weeks and over	7.4

Detail may not add to total because of independent rounding.

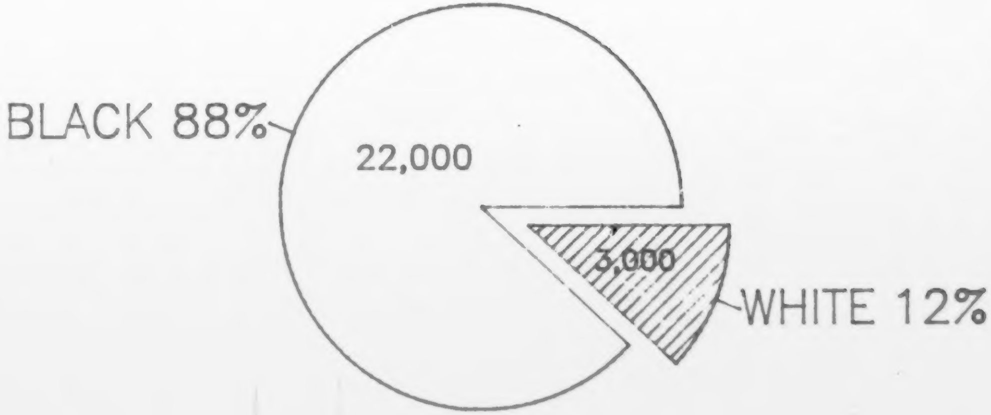
1/ Excludes persons with no previous work experience.

Source: U.S. Department of Labor, Bureau of Labor Statistics, Current Population Survey Annual Average Statistics

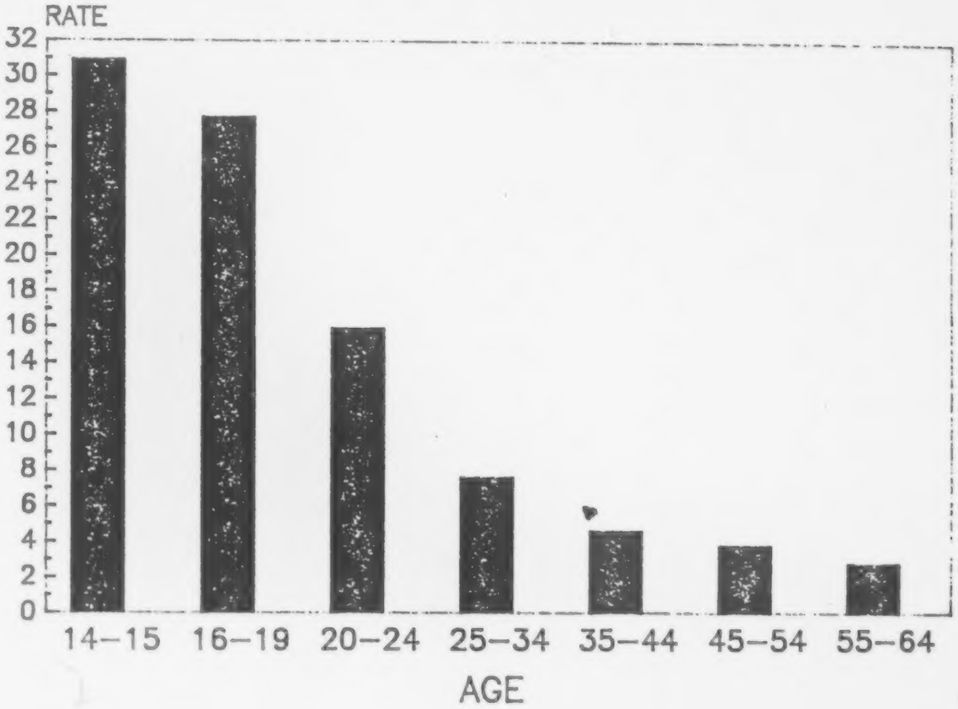
UNEMPLOYMENT RATES BY SEX
DISTRICT OF COLUMBIA
1986



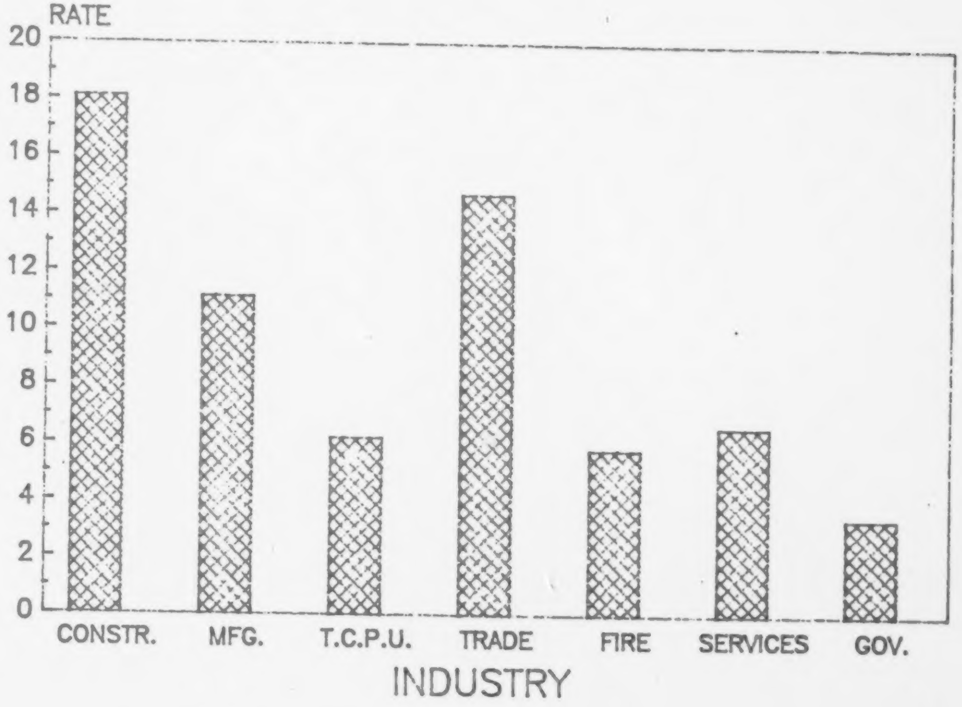
DISTRIBUTION OF UNEMPLOYMENT BY RACE
DISTRICT OF COLUMBIA
1986



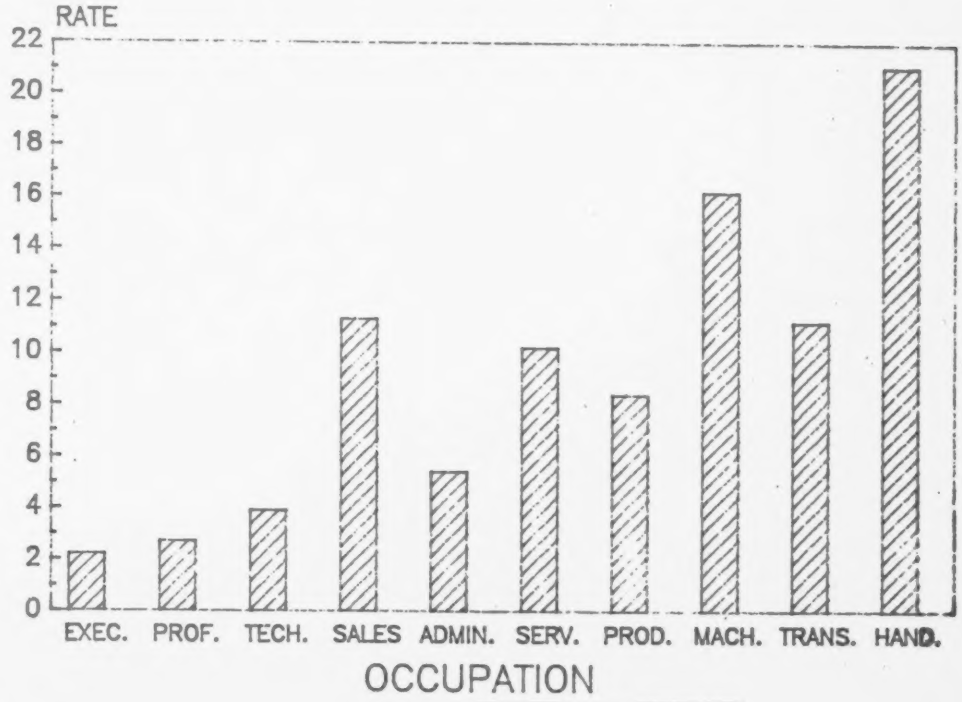
UNEMPLOYMENT RATES BY AGE
DISTRICT OF COLUMBIA
1986



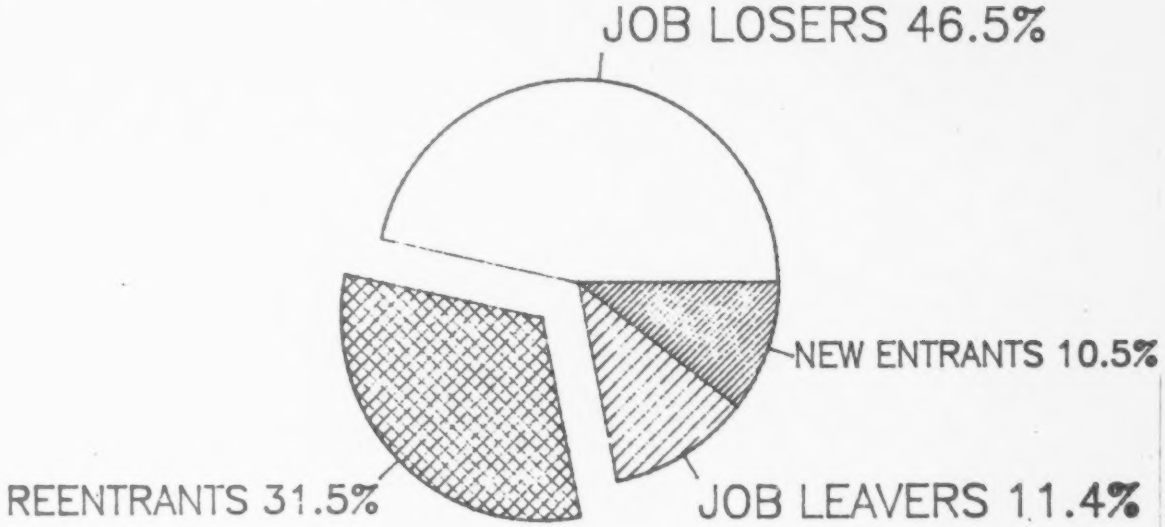
UNEMPLOYMENT RATES BY INDUSTRY
DISTRICT OF COLUMBIA
1986



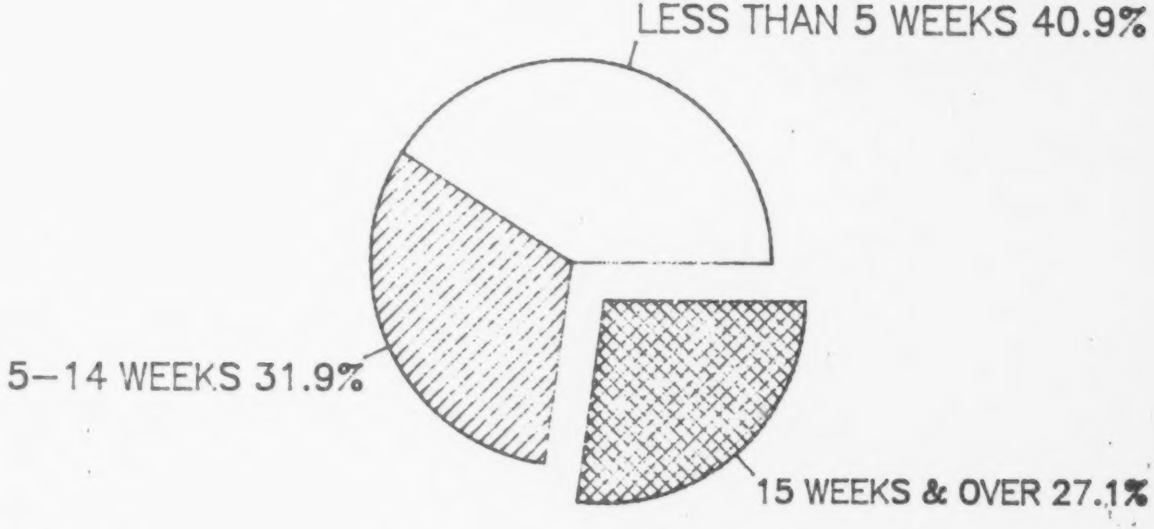
UNEMPLOYMENT RATES BY OCCUPATION
DISTRICT OF COLUMBIA
1986



DISTRIBUTION OF UNEMPLOYMENT BY REASON
DISTRICT OF COLUMBIA
1986



DISTRIBUTION OF UNEMPLOYMENT BY DURATION
DISTRICT OF COLUMBIA
1986



DIFFERENT TYPES OF WELFARE PROGRAMS

Senator REID. One of the problems that I find with many of the welfare programs that we have throughout the United States, some of which are promulgated by the federal government, are welfare programs that provide really a disincentive to work, rather than an incentive to work, a disincentive to work.

Also, one of the problems is that we have so many different welfare programs. I mean, there is no way to determine all the different programs. Do you have, in the District government, a breakdown of the different welfare programs that are administered by the District government?

Mayor BARRY. The answer is yes.

Senator REID. Would you get that for me?

Mayor BARRY. Yes.

[The information follows:]

DIFFERENT TYPES OF WELFARE PROGRAMS

QUESTION: How many persons are participating in welfare programs in the District and how many of these individuals are unemployed?

ANSWER: As of April 30, 1987, program participants in the District's cash assistance welfare programs were as follows:

	Aid to Families with Dependent Children (AFDC)	General Public Assistance (GPA)
Cases	20,029	4,813
Total Persons	53,415	4,970
Children	41,032	609
Adults	12,383	4,361

Of the 12,383 adults with dependent children receiving AFDC, 12,051 were unemployed and of these, 134 adults were receiving cash assistance under the Unemployed Parent provisions of the program. The GPA program provided cash assistance benefits to 4,361 adults who were temporarily unemployed because of a medically determined physical or mental incapacity.

PROGRAMS FOR MOVING FROM DEPENDENCY TO ECONOMIC INDEPENDENCY

QUESTION: What efforts have been undertaken by the District to assist persons receiving Aid to Families with Dependent Children (AFDC) move from dependency to economic independence?

ANSWER: The FY 1988 budget establishes within the Income Maintenance Administration, the Office of Employment and Training. The mission of this new office is to assist AFDC applicants and recipients in gaining family sustaining employment through assessment, motivational counseling, classroom and on-the-job training. The office is expected to maintain the appropriate registration status of over 8,000 WIN registrants and provide them with basic information on careers and job opportunities in the District of Columbia. Three thousand of these registrants will have their barriers to employment removed and will be certified as ready for assistance by the Department of Employment Services. An additional two thousand AFDC clients, who would generally not be served by WIN, will be provided with employment and training services, including direct placement into jobs.

DISINCENTIVES TO GETTING OFF WELFARE

Senator REID. I think it would be interesting to determine how many separate programs there are.

Mayor BARRY. Senator, fortunately in the District we are not like other states. Our welfare program is centralized and we do not have a variety of programs.

Senator REID. If that is the case, good, submit it to me because I have some ideas where we might be able to do some other things.

Mayor BARRY. Senator, also let me say that we have found that it takes about $11,000 to $12,000 of income for a family to get off of welfare, because as you know Medicaid, SSI, and all the other programs are triggered by eligibility for AFDC.

One of the concerns that people have, even at the $11,000 and $12,000 a year mark is medical care. So we have said to them they can use our clinics and our General Hospital as a backup medical system.

Senator REID. These are some of the disincentives that I am talking about.

Mayor BARRY. To be quite frank with you, if I were a welfare recipient and I wanted to work, I would think about losing my medical care, food stamps, SSI, and other kinds of things. These are not things that I would give up to go to work. I think we ought to have medical care, and we ought to have food stamps. You ought to have that when you are in that category.

BUDGET FOR THE DEPARTMENT OF EMPLOYMENT SERVICES

Senator REID. Do you or does someone have the amount that you are requesting for the Department of Employment Services?

Mayor BARRY. Yes.

Senator REID. Just give me an estimate.

Mayor BARRY. Let me say, while he is looking for the number, when I became Mayor, the local government was only spending $100,000 on job training. We are spending over $28 million of our local money now.

Senator REID. You were wrong, it is $39 million. [Laughter.]

Mayor BARRY. I said approximately.

TYPES OF JOB PROGRAMS OFFERED

Senator REID. What job programs are offered by the Department of Employment Services?

Mayor BARRY. In fiscal year 1988, we have local funds to offer summer youth programs to about 11,660 youth. The Out-of-School Program will reach about 800 young people. This is the local part of the budget. Another local program, the Adults With Dependents Program, will serve 1,600 people. The Training and Retraining Program will serve 2,035 persons. The in school program will serve 2,650 young people. Special program initiatives for 12 and 13 year olds will serve 2,500 junior high school students. The WIN Program will serve 1,500 selected AFDC recipients.

This is 23,000 people from the local side and the federal funds will serve another 11,000 for the summer jobs. Then you have the Job Training Partnership Act [JTPA] Program funded with federal funds which will serve 11,950 persons in fiscal year 1988.

PUBLIC WORKS JOB PROGRAMS

Senator REID. In a small area like we have here in the District of Columbia, in your estimation, are there enough public works type activities to provide enough work to justify all of this public works program that we have?

Mayor BARRY. Senator, these are not public works jobs. We are trying to target job training and retraining for marketplace jobs. Our training and retraining program, for instance, which costs us about $5 million in local funds, will retrain and train 2,035 for marketplace jobs.

Senator REID. But there are public works jobs here?

Mayor BARRY. Very few.

Senator REID. Should there be more then, because there is nothing wrong with public works jobs?

Mayor BARRY. Public works in the sense that they are public space kind of jobs. I assume you mean parks and recreation and streets and roads?

Senator REID. That is right.

Mayor BARRY. There are some here. What we try to do is use those as a first-step entry level to get people accustomed to work because ultimately we would like the people to learn how to fish, as opposed to giving them fish, so they can then compete in the greater marketplace.

If you will notice, our city is looking better. The grass is being cut quicker because we are using a significant number of people at entry level jobs, particularly with our prison system.

We have a program called "STEP" where a resident of our prison can get employment in the District government. We reserve up to 200 slots and the D.C. government will employ these persons for no more than 6 months, while we get them jobs outside. They, then, are the public works type people. They are the ones who are cutting grass and cleaning the streets and catch basins and other things like that.

We think we have a good mix of jobs in this job training program.

GUARANTEED JOB OPPORTUNITY ACT—SENATE BILL 777

Senator REID. Mayor Barry, the last question I have is I would ask that you and/or your staff look at Senate Bill 777 and make a determination as to whether you, as the District government, would be interested in a pilot program similar to the one proposed in this Senate bill and if you would do that for me, in writing, I will confer with the other sponsors of that bill and get back to you.

Mayor BARRY. Senator Reid, let me indicate, I know you are very interested in this area. I would like very much to work with you on any ideas that you have in the area of welfare reform, job training, and unemployment. I want this administration, the Barry administration to make a profound difference. We do not want just another number next year.

We would like to figure out how you break this cycle of poverty and how you break the cycle of crime and drugs. We want to figure out how you lift all the books from the bottom, as opposed to just a few. Then in the next 5 years, you might lift a few more.

Senator REID. Let us hope that next year, when we get together, we will have more progress.

[The information follows:]

MEMORANDUM FROM F. ALEXIS H. ROBERSON

TO: Julius W. Hobson, Jr., Assistant
to the Director for Federal and
Congressional Affairs, OIGR

FROM: F. Alexis H. Roberson
Director

Date: JUN 3 1987

SUBJECT: Guaranteed Job Opportunity Act (S. 777)

As you requested in your memorandum of May 8, 1987, this will provide you with the Department of Employment Services' analysis of the impact of the subject legislation on the District of Columbia.

In summary, the Guaranteed Job Opportunity Act recognizes the need to invest in human capital by creating a federally funded job opportunity program for unemployed youth and adults. The program is designed for the unemployed who have basic literacy skills. The program will also provide counseling and instruction for those lacking basic literacy skills and requires non-high school graduates to make satisfactory progress toward obtaining a high school degree.

Participants would work 4 days a week on job projects such as infrastructure repairs to roads and bridges, teaching people to read and write, helping in day-care centers and any other project that serves a public purpose. The fifth day of the week is reserved for the search for an unsubsidized job. The program targets the low income unemployed with a family income below $17,000. Participants would be paid the minimum wage or an amount equal to their welfare or unemployment compensation plus a ten percent bonus.

We support the legislation's concept which would create a federally funded jobs program for the unemployed while providing them with necessary supportive and educational services such as transportation assistance, job clubs, health care and child care.

This public employment program would be an important enhancement to our local efforts to move people from dependency to self-sufficiency. The bill should place greater emphasis on linking participants to the array of counseling and training programs available under present federally and locally funded programs.

However, I believe the 10% limitation on administrative costs contained in the bill is unrealistically low. A minimum of 15% for administrative costs is necessary for effective implementation of the program. Additional administrative allowances would be required if DOES is to provide the supportive and educational services contemplated by the bill.

The District of Columbia's unique governmental structure and small size might preclude the administration and management of this program by a District Executive Council proposed in the bill. A better alternative would be for the Mayor to administer the program through DOES and select the job projects with the advice and consent of other District Agencies.

There is a critical need in the District for the services that could be provided under this program. Shortages in staffing for day care centers, educational programs, recreational programs, as well as resources for road repairs and other renovations and repairs could all be financed and performed through this program.

I am confident the Department could implement a demonstration project if federal funding were available.

OPENING REMARKS OF SENATOR GRASSLEY

Senator REID. Senator Grassley.

Senator GRASSLEY. Yes. Mayor Barry, I did not come to ask any questions and I have been here an hour and I have listened to my colleagues' questions and say that generally the concerns expressed, I would reinforce them and say that I associate myself with them.

I would give particular emphasis, though, to the approach of Senator Nickles, and his concern about the AIDS epidemic and what might be done, and surely not in any way feeling that anything you do is going to solve the problem for national and worldwide problems.

But it is kind of like how you eat 10,000 marshmallows, you have to eat one at a time. So wherever we can do an effective job of combating that, I think we have to be more aggressive. I think particularly we have to be—we cannot have a laid back attitude toward it.

I am not suggesting you do. I am suggesting that maybe, even here in the Congress of the United States, we have too much of a laid back attitude, that somehow we have got to be careful that we might not panic or do things like that.

I think that this has not been as high on the agenda as it ought to be, so I would be derelict if I did not suggest to you that it is my personal view to be supportive and at least as strong as Senator Nickles is.

This is my first opportunity to have a meeting with you on your budget. We had a previous oversight hearing. I would only suggest to you, as I look at how, not being on this subcommittee until this time, and 6 years in Congress and two or three instances on human rights issues I have been involved with federal legislation that I do not think it has had really any opposition from your city government that I have been involved in.

But I know that you have been whipsawed between what has been a desire, an overwhelming desire of Congress as we have expressed in some legislation and what the State Department advises you to do. I am not sure that I am aware of the problems that you actually have, but I know from a purely theoretical standpoint and how our system of government works, and in your authority, that once Congress has expressed a will there, I would not think that the State Department would ever be a factor in your consideration of what Congress says it wants done.

I know that it has been a problem for you, but I hope that when the will of the people of this country is expressed in legislation passed by the Congress, that you do not let some low level bureaucrat in the State Department somehow dissuade you from accepting the will of the people as expressed in their Congress.

I know that it has happened over a long period of time with two different pieces of legislation that I have been involved in, and I do not have any reason to think that your people have not been cooperative in the sense of wanting to cooperate with us. But I think that there has been too much of a willingness to help stonewall as a result of undue consideration on the part, or undue consideration of the State Department's point of view.

The State Department, you know, those people are creatures of the Congress. Their will has to be that the Constitution sets out, as divided between the President and the Congress of the United States. But in these instances, Congress' position was very clear. And not only that, the position of the State Department was not only wrong, it was very silly.

So I just express that view to you. You do not even have to comment because I am not talking about the past. The past is gone. We cannot do anything about the past. I just want to make sure that what we do in the future, that you are cognizant of my view, that you should not be responsive to an agency that has no control over you.

MAYOR'S COMMITMENT TO AIDS PROBLEM

Mayor BARRY. Senator, in terms of your concern about AIDS, there is nobody who feels as strongly about it as I do. We are spending more money per capita, probably next to San Francisco, and we appreciate Senator Nickles' interest in the prison population.

We have a policy that we are working on it right now, today, to figure out what we can do, and we are going to continue. It is an epidemic and I think part of the problem has been, for a long time, the view that it is a white, male, homosexual problem. Now we find out that it is not. It is homosexual, bisexual, heterosexual, black, white, Hispanic, Asian, brown, native American, et cetera. I think now we are beginning to mobilize the country behind it.

SAKHAROV PLAZA SIGNS

In terms of the Sakharov Plaza situation, as you know our bill was passed in November or December, 1986 as part of the continuing resolution. The repress did not come from a low-level bureaucrat, it came from the Secretary of State. We got whipsawed——

Senator REID. How do you know that is not who he was referring to? [Laughter.]

Mayor BARRY. Since he is a Republican and the Secretary of State is a part of a Republican administration, I assumed that the team member would not refer to the Secretary of State as a low-level bureaucrat. It came from the Secretary of State, which then came from the White House.

In our view, we are trying to balance on a tightrope. We want to carry out the law. They made a request. We were in touch with your office about the visit of an American delegation to the Soviet Union and about Sakharov, whether or not that would help or hurt. The signs are up. I saw them myself.

Senator GRASSLEY. You know that is only symbolic legislation. That is really nothing more than symbolic.

Mayor BARRY. The signs are up. I saw them myself. They are nice. In fact, they are larger than the street signs.

LAW REGARDING DEMONSTRATIONS AT EMBASSIES

Senator **Grassley**. But even more importantly, your counsel is working on a legislation about the distance of a demonstration from embassies in this country or embassies, I mean, in this city, which present law makes it 500 feet, where any other embassy or any other State Department facility—I should not say State Department. I mean representation of any other foreign country, New York, San Francisco, any other city in the country, these demonstrations can be within 100 feet.

So we proposed last year, and did not get the law changed, that for the sake of free speech and the constitutional rights of people, ought to be the same for demonstrating in Washington, DC, as they are in San Francisco. That ought to be changed.

Well, we were told that it would be possible and better to do that through your government, rather than doing it through the change in federal law. So you are considering that, based upon a sense of the Congress' position that was taken last year.

I think there has already been a move within your Council to do that. I hope that is successful in materializing because I think that if Americans want to express, whether it be against the Soviet Union or any other embassy, the right of free speech to demonstrate, they should not be limited. That constitutional right should not be limited in Washington, DC, anymore than it is. It should not be limited at all, but I mean if there are some reasonable restrictions that can be put on, constitutional restrictions, those restrictions should not be any greater or any more restrictive in Washington, DC, than in San Francisco.

Mr. **Clarke**. Senator Grassley, in as much as that is the Council, I would like to respond to it. You are correct, that legislation has been introduced by Councilmember Mason, who was here, to change the limit from 500 feet to 100 feet. One of the things that the Council is very proud of is that over the course of 12.5 years only two pieces of legislation that we have ever passed has been overturned by this body.

One of the ironic characteristics of both is that in both of them we were pursuing to be what we perceived to be the congressional desire. In the first case, we were implementing the Fulbright Act, which was the location of chanceries. In the second, we were simply implementing a provision that had been sent to us by the Senate and House Committees on the District of Columbia in the reorganization of the criminal code, as to change of certain provisions with respect to sexual assault.

When the items got here, however, there was a difference of opinion. The Congress had changed its mind, and we understand. The Council changes its mind on issues as well. So I have, in the context of considering the possibility of introduction of that legislation and since its introduction, tried to touch base with congressional leadership.

I must indicate to you it has not been a unanimous vote from the Congress. We are feeling ourselves treading upon some difficult water, with respect to this matter.

You have indicated the correspondence from the executive branch of the federal government. We have received such correspondence and we have also asked the Department of State to inform us, in as much as we are in a decisionmaking posture, with respect to this, as to how other countries handle demonstrations with respect to embassies in their countries, and we are awaiting that information.

We will have hearings on that legislation this spring. I do assure you that we are reviewing it, but I wanted to indicate to you that our reading of the Congress, after the past, we did not want to be in the posture again frankly of having a piece of legislation overturned that we had been asked to pass.

It is not a unanimous vote.

Senator GRASSLEY. I hope you do not defer from reports of how other countries might handle demonstrations and how you want to defend the right of free speech and the right of association in our Constitution.

Mr. CLARKE. Frankly, sir, I thought that was going to be supportive of your point of view. Maybe that is the reason we have not gotten the results.

Senator GRASSLEY. If it comes out, I am just saying you can make those inquiries, but I hope that in the final analysis maybe they will be supportive, but I hope in the final analysis you make your determination upon what the Constitution of the United States says.

Mr. CLARKE. As a lawyer I agree with you, as to the Constitution. My problem is that the Supreme Court and the U.S. Court of Appeals in the District of Columbia, has a different point of view, with respect to the arbitration of the Constitution. That is their role.

Now we have a legislative choice within the Constitution and that is what has been presented to us and we will be reviewing that issue.

SENSE OF THE WILL OF CONGRESS

Senator GRASSLEY. And it seems to me like you have a clear sense of congressional expression of what we desire that you do, and that we held back because we did not want to create a problem with home rule, and that you would take the necessary steps to pursue what happens afterward, so much as you do not want those things to happen.

It seems to me that once Congress gets it out, they are going to be sensible this year, if we review your situation or maybe, if we do not review it, as we were last year when we passed the position we did.

But it was kind of a middle ground, I think, thinking of the sensitivities of the relationship between the Congress and your body and I want to respect those sensitivities.

It was also, quite frankly, an easier course to take. It did not mean that that original course could not be met. But I think it gets right back to the point of Mayor Barry. What is the sensitivity of our State Department toward the relationship of one embassy in the United States?

One embassy is probably the only one that is involved, and that is the Soviet Embassy. Are we going to have the sensitivities of that one and how the State Department reacts to it being compromised, of the basic constitutional rights of the American citizens?

ALLOWING INTERFERENCE BY STATE DEPARTMENT

I do not take that position and I know you do not. And why should you? I know we, as public officials, find ourselves obedient or in consideration of a point of view that compromises that constitutional right, I do not think we should. We do not control everything. You go ahead and pass it, I cannot guarantee you what Congress will react, but I know that basically when this is discussed in an open forum, you do not find any disagreement with the points that you express or I express. But when you give some low level bureaucrat, whether that be the Secretary of State or somebody below him, an opportunity to maneuver behind the scenes, that is where the trouble comes around.

I think that open and free debate is a major decisionmaking in this country and we ought to opt for that and the results of that, which I think are positive toward what you are setting out to do in your Council, and not what anybody in the State Department wants.

Mr. CLARKE. I suggest that we review it, sir, and we are doing that and we will move forward in the spirit of cooperation with Congress.

Mayor BARRY. Senator, let me just say for the record that I hope you understand our problem, too. I have to work with the executive branch of the federal government and the legislative branch of the federal government, trying to walk that thin line between the two.

In this instance, we know already that this low level bureaucrat at the State Department, the Secretary of State—that was the Senator's language, not mine—the Secret Service, the FBI, and others are opposed to this. That does not mean that we will not debate this issue openly and publicly, they have already told us that.

I have to depend on the President to send the budget up here to the Congress. I have to depend on the committee to approve the budget, and depend on the Justice Department to take some of my prisoners. I have to walk all these thin lines between these raindrops, and so far I have been pretty good at it.

But it is something we are sensitive to.

Mr. CLARKE. If I might just add one point for the record. The language that you did give to us did direct that we touch base with the State Department and the Treasury Department. That was part of the language.

CLOSING REMARKS OF SENATOR REID

Senator REID. Mayor Barry, we appreciate very much the time that you and the other members of the Council that did come, have taken before our committee. I think it has been a very fruitful discussion.

Senator Grassley, your statements were very probative and if there is nothing further to come before this subcommittee, we will recess subject to the call of the chairman.

CLOSING REMARKS OF MAYOR BARRY

Mayor BARRY. Senator, let me express my appreciation to the chairman and all the members of the committee, for serving on the committee where there are not many constituent benefits, but this is our Nation's Capital and I certainly appreciate your keen interest in it and we want to continue working with you.

Thank you very much.

SUBMITTED QUESTIONS

Senator REID. We have some questions from Senators Harkin, Nickles, and Domenici which we will submit for response for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR HARKIN

SENATOR HARKIN:
1. What programs and services are currently available to homeless persons in the District of Columbia and how are these services directed toward making these people self-sufficient?

MAYOR BARRY:
1. The Department of Human Services provides comprehensive services to homeless men, women and families to assist them in regaining independence. Single men may receive job training, placement, assistance in obtaining entitlements, on-site health and mental health care, substance abuse counseling and housing placement.

Homeless women are offered additional services which include specialized services of pre-natal care for pregnant women, shelter and counseling for the battered and abused and infant care.

Families in shelters under the Department of Human Services may receive the benefits of on-site family health care, job counseling and placements, transportation, family counseling and housing placement.

SENATOR HARKIN:
1A What is the dollar amount being spent on this target group by program area?

MAYOR BARRY:
1A The total cost of contracted shelters for FY '87 is $5,876,000. The cost per target group is $4,647 per family, $536 per single male and $442 per single female.

SENATOR HARKIN:
1B What proportion of the homeless population is affected by these programs and services?

MAYOR BARRY:
1B According to a 1985 study conducted by the University of the District of Columbia, there are approximately 6,500 homeless persons in the District. The total number of available beds in the District is estimated at 2,200. Of this total, the Department of Human Services provides 1,033 beds for the homeless. Thusly, DHS provides shelter to approximately one-sixth of the total projected homeless population on any given day.

SENATOR HARKIN:
2. What programs and services are directed toward employment of disabled residents of the District of Columbia?

MAYOR BARRY:
2. The District of Columbia provides vocational rehabilitation services for eligible persons with physical and/or

mental disabilities, in order to render them employable or assist them in reaching the maximum level of independence and self-sufficiency. Vocational rehabilitation services include counseling and guidance, evaluation, diagnosis, physical and mental restoration, skills and academic training; job placement and follow-up.

Independent living services are also offered to persons with severe disabilities, for whom there is little or no potential for employment. Services include peer counseling and guidance; personal attendant care and training; personal, budget and medical skills management training; and housing assistance.

SENATOR HARKIN:
2A What is the dollar amount of these programs?

MAYOR BARRY:
2A The federal categorical formula grant remains static each year at $8,012,000. The state appropriation for FY 87 is $5,824,000, of which $2,003,000 is required by the federal government for state match. In addition, the District of Columbia receives $50,000 in grant funds for the conduct of a state Client Assistance Program and $115,000 for the conduct of a transitional employment program for the chronically mentally ill.

Fiscal Year 1987 funding for the provision of independent living services is provided as follows: $200,000 federal allotment for provision of independent living services within the state agency; $250,00 federal competitive grant funds for operation of a Center for Independent Living; $130,500 in state appropriation for operation of a Center for Independent Living; and an additional $300,000 in state appropriation for expansion of independent living services.

SENATOR HARKIN:
2B How many individuals are being serviced annually?

MAYOR BARRY:
2B In FY 1986, 10,105 persons with mental and/or physical disabibilities were served. All were provided counseling and guidance, evaluation and diagnostic studies, for the purpose of eligibility determination. Of the total persons served, 3,868 individuals were determined eligible, and pursuant to the development of an Individualized Written Rehabilitation Program, were provided further authorized rehabilitation services.

SENATOR HARKIN:
2C What is the evidence that these programs are targeted towards the objectives of full time employment and economic self-sufficiency?

MAYOR BARRY:
2C Of the 3,868 individuals with disabilities who were served during FY 1986, 1,092 persons were rehabilitated - placed in competitive employment; sheltered workshop employment; or rehabilitated as homemakers. Of the 1,092 rehabilitants, 91.2% entered the competitive labor market as shown below in occupational categories noted.

o	Professional, technical and managerial	8.0%
o	Clerical and Sales	45.3%
o	Service	29.9%
o	Machines and Trades	2.3%
o	Benchwork	2.4%
o	Structural Work	12.1%

The average earnings at case closure for these 1,092 persons was $190.00/week or $790.00/month [gross income]. Twenty-seven percent of these inviduals were provided skills or academic training during pursuit of their Individualized Written Rehabilitation Programs.

Seventy-Seven or 7.1% of the 1,092 individuals were successfully rehabilitated and placed in sheltered workshop environments. Sixteen of these individuals eventually moved into the competitive labor market. Sheltered employment placements are monitored for a three year period with the objective being eventual competitive employment in a non-sheltered environment.

Of the 1,092 persons rehabilitated, 1.7% were placed as homemakers within their own homes. This type placement is authorized when an individual may not be able to work competitively due to severity of disability; and, when preparation as a homemaker with training in skills appropriate for independence in the home will free another family member to participate in salaried employment.

A total of 594 individuals with severe disabling conditions were provided independent living services. The service breakdown is listed below. These services resulted in increased ability to live independently with minimized assistance from others, in home, community and school.

General independent living skills	66
Peer Counseling	45
Personal Care Attendant Services	15
Housing Assistance	17
Transitional Living Services	6
Hispanic Outreach	15
Advocacy	142
Transportation	9
IL Services to Deaf Population	49
Information and Referral	230

SENATOR HARKIN:
2. What programs and services are directed toward employment of disabled residents of the District of Columbia? What is the dollar amount of these programs, how many individuals are being served annually, and what is the evidence that these programs are targeted toward the objectives of full-time employment and economic self-sufficiency?

MAYOR BARRY:
2. The Department of Employment Services is currently providing training for the disabled through five organizations under the federal Job Training Partnership Act (JTPA) and the local Youth Employment Act (YEA) programs, with contract amounts and number of individuals served as described below. In these training programs, a total of 94 training slots for individuals are being funded. The total dollar amount obligated for these programs is $348,025.

JTPA
Anchor Mental Health Association, $87,865, 30 training slots for mail clerk, general clerk, recreation aide, maintenance engineer, and kitchen helper;

D.C. Association for Retarded Citizens, $63,111, 12 training slots for office skills, food service, and industrial maintenance;

National Association of the Deaf, $111,475, 26 training slots for clerk-typist and mail clerk.

YEA
Capitol Rehabilitation Consultants, Inc., $64,774, 20 training slots for job readiness, on-the-job training in private and public sectors;

Columbia Lighthouse for the Blind, $20,800, 6 training slots for work experience in typing and filing, data entry, office machine operator, receptionist/telephone operator, mailing clerk, and social service aide.

Prior to the awarding of a contract by the department, the organizations are required to indicate the number of participants to be served and placed during the contract period. The department's staff, in conjunction with the contracted organizations, monitor training and placement operations to ensure that the established goals are met. To date, program objectives for full-time employment and self-sufficiency are on target for each of the agencies noted above.

In addition to the training programs noted above, the Department of Employment Services has a coordinator for Section 504 of the Rehabilitation Act of 1973 to ensure that all regulations are followed so that handicapped persons have equal access to employment and training programs. An individual counselor at each Employment Services Center is designated as a handicapped specialist to promote and develop employment opportunities for handicapped persons. These services are funded through our Wagner-Peyser budget. During the last complete program year (ending June 30, 1986), 2,696 handicapped persons sought employment and training services, 1,006 were placed in permanent jobs, and 130 were enrolled in training. Because of these special efforts, a higher percentage of handicapped individuals are placed in jobs than are our applicant population as a whole.

The Department of Employment Services also operates a Disabled Veterans Outreach Program (DVOP). For the last fiscal year, this program was funded at $142,548 with 4.5 staff positions assigned. These staff specialize in developing jobs for disabled veterans. During this last program year, there were 844 disabled veterans registered and 147 placed in jobs. The DVOP program is funded at $162,873 in FY 1987.

The Disability Compensation Program, operated by the Department of Employment Services, contracts with three firms for a total of $215,000 to provide vocational rehabilitation services to disabled claimants. By September 1987, 130 claimants will be referred for these services. As of May 1987, 97 disability claimants have been referred for services and 16 have returned to regular employment.

This year our Summer Youth Employment Program (SYEP) is funding a special program for handicapped. The training is in culinary arts and there are 30 slots. The cost of the project is $8,812. In addition, SYEP is funding the wages of 75 slots in a joint venture with D.C. Public Schools Special Education Program. The Schools will develop the job openings to suit the talents and needs of handicapped students enrolled in the program. A similar arrangement has been made with the Department of Human Services Bureau of Vocational Rehabilitation Services for referrals for an additional 60 slots.

SENATOR HARKIN:
3. What transportation barriers still exist for disabled people in the public transit system of the District of Columbia and what plans are in place to remove these barriers?

MAYOR BARRY:
3. All of the current 64 Metrorail stations have escalators and elevators installed to assist disabled people. The bus fleet is equipped with wheelchair lifts in approximately 20 percent of the buses. The Washington Metropolitan Area Transit Authority (WAMATA) has adopted a plan to continue to install escalators and elevators in all future rail stations and to equip 50 percent of the bus fleet with wheelchair lifts.

SENATOR HARKIN:
4. What is the current recidivism rate for adult and youth offenders assigned to the Lorton Reformatory? What programs exist in the institution and outside the institution for residents of halfway houses to assure that offenders released from Lorton and the D.C. Jail system are employed? Are there follow-up statistics which document the length of employment for those offenders who have returned to the institution? If so, what is the average length of their employment prior to reincarceration?

MAYOR BARRY:
4. According to a recent 3 year follow-up study (1981-1984) the recidivism rate of adults on parole was 33% and for youth was 41%. A more recent study (1983-1985) showed that overall (adults and youth were not separated) the rate for three years was 24%. However, an additional 19% were recommitted to the Detention Facility awaiting a

parole status hearing. Some portion of these would have been revoked. Of all parole terminations in calendar year 1986 24% of the adults and 13% of the youth were for new charges. Technical rule violations accounted for 38% of adult terminations and 54% of all youth terminations.

The department offers a wide variety of vocational training programs in the institutions to ensure that inmates can improve their employability prior to releases. Every inmate must have a certified job prior to release. This is ensured by the institutional caseworker and the parole officer.

A Special Temporary Employment Program (STEP) is available for potential parolees for whom regular employment can not be found. This is a 10 week, minimum wage transitional program that offers employment at the D.C. Departments of Public Works, Housing and Community Development, and others. The Department of Employment Services works closely with these parolees to achieve permanent placement.

The placements by Educational Services itself included 426 in the eleven months from June 1986 through April 1987. Job counselling and placement are also carried out in the Community Correctional Centers by counselors assigned to the centers.

No figures are available that relate to the length of employment prior to reincarceration.

SENATOR HARKIN:
5. What are the five most successful employment programs for residents of the District of Columbia funded by the Job Training Partnership Act and the Youth Employment Act. Describe each program including the service provided, the number of individuals served annually, the placement rates, the cost per participant, and the cost per placement.

MAYOR BARRY:
5. Identified below are five of the most successful Job Training Partnership Act (JTPA) and Youth Employment Act (YEA) employment training programs meeting the needs of residents of the District of Columbia. These programs, administered by the Department of Employment Services, yielded exemplary results during the immediate past program year (FY 1985 for JTPA and FY 1986 for YEA) in terms of total enrollments, placement rate, average wage at placement, cost per placement, and cost per enrollment. When considering the ratio of placements to completions, the high level of success of these programs is evident.

TYPE OF TRAINING PROGRAM	Enrollments /Completers /Placements	Placement rate	Cost per: enrollment	/placement	Avg. wage
Fine & Performing Arts Occupations	60/53/53	100%	$1,612	$1,856	$7.24
Data Entry	39/36/36	100%	$2,232	$3,472	$6.28

Telecommunications Technicians	27/23/20	86%	$3,333	$4,500	$5.85
Clerical Occupations (word processor/clerk-typist, etc.)	209/174/154	88%	$2,067	$2,806	$6.03
Allied Health Occupations (dental/nursing assistants, home health aide, phlebotomists)	65/58/42	72%	$3,384	$3,836	$5.58

SENATOR HARKIN:
6. How many women are served annually by the D.C. correctional system who remain in D.C. to serve their terms and who qualify for training and education programs? What local programs are available to assure employment for women incarcerated in the D.C. Jail System? If so, how many women are served annually by these programs and services, what is the success rate for women who have participated in these programs and services?

MAYOR BARRY:
6. Most women who are to serve longer term sentences are transferred to the Federal Bureau of Prisons. The women housed at the Detention Facility (350-360) are mostly pre-trial (41%) or short term misdemeanants (18%). The remainder are sentenced felons awaiting transfer. The female population housed in the Detention Facility is a highly transient one.

Over the past year 234 women have been served by educational services at D.C. Jail. They have had 182 completions in adult basic education, 18 completions in the GED program, 90 participants in typing courses, with 5 completions, 72 particpants in the industrial housekeeping course, with no completions, 8 completions in the Street Law program with 9 achievement certificates, 145 participants in photography classes, and 24 participants in painting classes.

Women who have been incarcerated in the District may apply for jobs with the department's work program division. Such employment is principally in building trades and landscaping operations. Referrals can also be made through the Department of Employment Services and private organizations which provide job seeking assistance.

Every effort is made to offer employment opportunities and services to all ex-offenders upon release. If the lack of a job is the only factor which stands in the way of a resident being granted parole, the District's Special Temporary Employment Program (STEP) provides transitional employment to allow the resident's release and an opportunity to seek permanent employment.

No recidivism studies have been conducted specifically on women who have participated in these programs. The figures that are available cover all women who terminated parole in calendar year 1986. Of these 16% were due to a new charge and an additional 22% were due to parole revocation based on violation of a parole supervision rule. Comparatively, this is better than the performance of men.

Office of the Secretary

SENATOR HARKIN:
1. In the 1987 budget, you reduced your staff by three (3), now you plan to increase the staff for fiscal year 1988. Will you explain the duties of the additional staff?

MR. CROPP:
1. The increase in staff requested will provide direct staff support needed to maintain the Archival and Records Management Program.

The reduction of three (3) positions in FY 87 represents the transfer of the telephone unit to the Office of Emergency Preparedness.

SENATOR HARKIN:
1a. Are these individuals newly hires or will they be transferred in from another department?

MR. CROPP:
1a. These positions are new hires and would bring the total number of employees in the Archival and Records Management to ten (10).

SENATOR HARKIN:
2. How has the Archival and Records Management Unit been maintained since 1985?

MR. CROPP:
2. This activity has been maintained by the current five (5) authorized positions and through a contract for off-site storage.

SENATOR HARKIN:
2a. Is there presently a staff keeping these records?

MR. CROPP:
2a. The present staff consist of five (5) individuals and five (5) additional positions are being requested in FY 1988 for a total of ten (10).

Office of the Inspector General

SENATOR HARKIN:
1. With a full time staff for the Office of the Inspector General how do you rank as far as detecting fraud within agencies with other areas of compatible size?

MR. GILL:
1. The Office of the Inspector General is modelled in many respects after Federal agency I.G. offices. There are a number of

state and local (county or municipal) Inspector's General, e.g. Florida, Massachusetts, New York state and New York city. The D.C. Office of Inspector General has broader authority and responsibility than most of the state and local I.G's. For example, few of these state and local I.G.'s have both audit and investigation responsibilities as well as subpoena power over virtually every aspect of government operations. Thus, there is little parallel between our office and other state or local governments. Nonetheless, our office has a clear mandate to test for, and detect waste, fraud, and abuse of government resources.

Our office, for example, made substantial and significant contributions in providing referrals and investigation support to government prosecutors in a number of highly publicized D.C. Government fraud cases; most notable were the Alphonse Hill (Deputy Mayor) and Ivanhoe Donaldson (Deputy Mayor) cases.

Our office also makes extensive use of a HOTLINE (628-TIPS); on balance, a number of useful calls alleging impropriety, or theft, or otherwise general wrongdoing, were either investigated by this office, directed to agency heads (of affected agencies), and/or referred to the Public Integrity Unit of the Metropolitan Police Department for arrest and further referral for prosecution.

SENATOR HARKIN:
2. Has the Office of the Inspector General been able to implement auditing each agency on a yearly basis?

MR. GILL:
2. Our Annual Audit Program does not call for us to audit every D.C. agency annually. Rather, we provide broad audit coverage to a majority of D.C. agencies based on an annual assessment of risk inherent in the programs and operations of the D.C. Government. Our annual audit work plan is developed giving highest priority to known or suspected areas of weak internal controls, programs or operations which are new or have undergone major changes since last audited and agency head requests for audit services. An exception, however, is a statutory requirement under Section 105 of the Procurement Practices Act of 1985. The Act expanded the Office of the Inspector General's responsibilities by directing the Office to conduct an annual operational audit of all procurement activities, and to submit to the Mayor and Council of the District of Columbia an annual report of comments, findings, recommendations, and other information on the adequacy and efficacy of District Government procurement operations.

Our report of the first annual operational audit of procurement activities was distributed to the Mayor and the Council on March 26, 1987.

OFFICE OF INTERGOVERNMENTAL RELATIONS

Senator Harkin
1. What are the new positions requested for this office and explain what the duties will be.

Mr. Cropp
1. Of the 36 positions and $2.081 million requested for the Office of Intergovernmental Relations, 20 currently

authorized positions and $1.227 million are transfers-in from other offices within the Executive Office of the Mayor. Three new positions and $183,000 are requested to fund the existing Office of Education which has heretofore been funded with grants and non-appropriated resources.

The specific positions to be transferred-in and the reasons for the transfers are as follows:

1.1 Transfer-in from the Office of the Mayor: +2CFT pos.; +$84,000. Two positions in the Office of Boards and Commissions are transferred-in to improve the coordination of appointments to Boards and Commissions with the legislative process.

Positions and funding are requested as follows:

a.	DS-14 Special Assistant (1 CFT)	51,000
b.	DS-09 Administrative Aide (1 CFT)	25,000
c.	Fringe Benefits	8,000
		$84,000

Office of Council and Congressional Affairs (1020)

1.2 Transfer-in from the Office of the Secretary: +1 CFT Pos.; +$56,000. This position is being transferred-in as part of the realignment and strengthening of legislative services. Specifically, this position will provide the resources to establish and operate an automated legislative tracking system with emphasis upon executive follow-up and implementation of new requirements of law.

Position and funding are requested as follows:

a.	DS-14 Administrative Officer (1 CFT)	51,000
b.	Fringe Benefits	5,000
		$56,000

Office of Policy and Program Evaluation (1030)

1.1 Transfer-in from the Office of the Mayor: +8CFT Pos.; +$360,000. The transfer-in of these eight positions from the Office of the Mayor is part of the realignment of policy and legislative services within the Executive Office of the Mayor. These eight positions will provide resources for policy development and program evaluation functions within the Executive's overall cost-benefit analysis paradigm.

Positions and funding are requested as follows:

a.	DS-15 Director (1 CFT)	64,000
b.	DS-14 Deputy Director (1 CFT)	53,000
c.	DS-14 Program Managers (2 CFT)	94,000
d.	DS-13 Program Analyst (1 CFT)	42,000
e.	DS-12 Program Analyst (1 CFT)	33,000
f.	DS-07 Secretary (1 CFT)	22,000

g.	DS-07 Staff Assistant (1 CFT)	19,000
h.	Fringe Benefits	33,000
		$360,000

Office of Documents and Administrative Issuance (1040)

1.2 Transfer-in from the Office of the Secretary: +9 CFT Pos.; +$727,000. The transfer-in of these nine positions from the Office of the Secretary is part of the realignment of policy legislative and rulemaking function within the Executive Office of the Mayor. This action unifies the statutory Office of Documents (D.C. Register) with the Administrative Issuance process (Mayor's Orders and Memoranda), within the overall goal of improving and better coordinating the process of legislative follow-up and implementation.

a.	DS-15 Director (1 CFT)	60,000
b.	DS-15 Admin. Procedures Officer (1 CFT) ..	61,000
c.	DS-13 Attorney Advisor (1 CFT)	47,000
d.	DS-12 Publications Specialist	37,000
e.	DS-11 Publications Specialist	28,000
f.	DS-09 Administrative Aide (1 CFT)	25,000
g.	DS-08 Staff Assistant (1 CFT)	24,000
h.	DS-06 Clerk (1 CFT)	21,000
i.	DS-05 Clerk (1 CFT)	14,000
j.	Fringe Benefits	29,000
k.	Supplies	2,000
l.	Communications	2,000
m.	Other Services	370,000
n.	Equipment	7,000
		$727,000

Office of Education (1050)

2.0 Increase for additional staff support: +3 CFT Pos; +$183,000. This increase of three positions provides for the establishment of a D.C. Office of Education. These functions have been funded over the past six years, within the Executive Office of the Mayor, by nonappropriated funds. The Executive is responsible for providing overall coordination and monitoring functions in such areas as services for children, post secondary training, and interagency educational services (corrections, special education, adult education).

Senator Harkin

2. Explain the interacting of the Office of Policy and Program Evaluation with the present office of Intergovernmental Relations. Will this be a more productive approach to the present process?

Mr. Cropp

2. The Office of Policy and Program Evaluation as an integral component of Intergovernmental Relations will continue to be responsible for the development of policy initiatives and the assessment of policy effectiveness. By realigning

these functions with one office under a single director, we will be able to translate these results more directly into legislation if the need arises.

DEPARTMENT OF ADMINISTRATIVE SERVICES

SENATOR HARKIN:
I. Give a breakdown of goods received and sold by this department and how the proceeds were used:

MR. LAMBERT:
I. As requested, listed below is a breakdown of sales for Fiscal Year 1987. All properties sold from October 1, 1986 to May 29, 1987 have been included, which encompasses 662 lots for $97,470.00. The breakdown consists of lots sold as opposed to the number of pieces sold, except vehicles. Moreover, all monies have been deposited in the general fund, as designated by law.

DESCRIPTION	LOTS	AMOUNT
Addressor	1	$ 1.00
Ambulance	1	385.00
Boat, Cabin Cruiser	1	5,000.00
Broomsticks	1	5.00
Buffer	2	2.00
Bus	25	5,525.00
Cylinder Tanks	1	200.00
Card Reader Punch	1	10.00
Chair, Wheel	3	31.00
Crane	1	900.00
Compactor	4	85.00
Compressor	3	1,225.00
Card Lister	1	5.00
Chair, Barber	11	11.00
Chair Beautician	4	4.00
Chair, Scale	1	1.00
Controller, Communication	1	7.00
Conveyor, Card	1	16.00
Camera, Video	1	5.00
Charger	1	35.00
Computer Equipment	2	225.00
Copier	21	494.00
Carryall	2	550.00
Disk Packs	2	284.00
Desk Pads	1	5.00
Engine, Diesel	1	800.00
Exhaust Gas Analyzer	4	375.00
Floor Scrubber Heads	1	9.00
Freezer	3	24.00
Grinding Stones	1	24.00
Giant Vac, 8 H.P. Engine	1	18.00
Generator	3	501.00
Grinder	1	25.00

DESCRIPTION	LOTS	AMOUNT
Heat Press	1	$ 1.00
Joiner	1	65.00
Jeep	1	175.00
Jack, Floor	2	80.00
Jack, Hydraulic	1	5.00
Kenworth	1	6,900.00
Loader, Caterpillar	1	1,000.00
Lawn Mower Attachments	2	111.00
Lift, Pallet	3	3,000.00
Lathe	2	72.00
Lawn Mower	17	729.00
Ligthbulbs and Fixtures	4	23.00
Microfilm Reader	7	74.00
Microfilm System	1	5.00
Microfilm Reader/Printer	2	25.00
Motorcycle, Harley Davidson	4	4,225.00
Mixer, Food	1	225.00
Microfile Film Unit	1	1.00
Motor Bike, Honda	52	2,375.00
Oil Pump	1	5.00
Partition, Metal	1	1.00
Paper Shredder	1	20.00
Paper Sorter	1	5.00
Paper Cutter	1	40.00
Paper Separator	1	1.00
Projector, Movie	1	32.00
Projector, Slide	1	5.00
Projector, Film Strip	3	5.00
Projector, Overhead	1	1.00
Piano, Upright	5	27.00
Press, Offset	1	175.00
Polisher, Floor	13	18.00
Processor, Info, IBM	2	10.00
Recorder, Tape	2	17.00
Roller, Essick	1	200.00
Stacker, Clarke	3	925.00
Sprayer, Hand	1	10.00
Saw, Table	2	280.00
Safe, File	3	81.00
Scrubber, Floor	2	53.00
Sewing Machines	4	9.00
Sander, Floor	1	45.00
Sander, Circular	1	10.00
Sinks, Wash	1	1.00

DESCRIPTION	LOTS	AMOUNT
Stapler, Electric	2	$ 31.00
Sedan	88	6,703.00
Station Wagon	7	580.00
Sweeper	3	600.00
Table, Drafting	9	90.00
Telecopier	1	5.00
Television	1	2.00
Terminals, IBM	1	1.00
Terminals, Courier	7	11.00
Terminals, Digital, Word	1	1.00
Terminals, Communication	3	3.00
Tester, Headlight	2	25.00
Tester, Electrical	1	8.00
Tester, Electronic, Engine	1	125.00
Trailer, Mobile	1	35.00
Tractor, Lawn	1	150.00
Tiller, Roto	1	120.00
Tissue, Bathroom, Singlefold	1	10.00
Typewriter, Mag Card	10	117.00
Typewriter	99	3,992.00
Truck:		
Chassis	3	150.00
Dump	15	4,250.00
Fire	4	105.00
Flusher	3	1,650.00
Packer	3	2,300.00
Panel	3	586.00
Pick Up	49	14,535.00
Stake	3	2,275.00
Tank	1	325.00
Tow	1	1,125.00
Utility	24	8,830.00
Van	38	13,490.00
Vacuum Cleaner	4	48.00
Violin	1	55.00
Walker	1	4.00
Wheelbarrow	1	35.00
Work Processor	2	4.00
TOTALS:	662	$97,470.00

Department of Employment Services

Questions Submitted by Chairman Harkin

SENATOR HARKIN:
1. How do you qualify for employment through the Department of Employment Services?

MS. ROBERSON:
1. Any U.S. citizen or legal alien may apply for employment services at any of our locations, which are as follows:

Cardozo-Shaw Employment Services Center
1000 U Street, N.W.

Petworth Employment Services Center
4120 Kansas Avenue, N.W.

Northeast Employment Services Center
25 K Street, N.E.

Anacostia Employment Services Center
1217 Good Hope Road, S.E.

Washington-Highland Employment Services Center
8th and Xenia Streets, S.E.

Work Incentive Program
605 G Street, N.W.

Latino Outreach Center
1803 Belmont Road, N.W.

When an individual enters a center, the purpose of the visit is determined and the applicant is routed to the appropriate staff (Unemployment Insurance or Job Services). An application is taken and available services are explained. Beginning this month, the requirements of the Immigration Reform and Control Act (IRCA), regarding documentation of employment eligibility, will also be explained.

Under the IRCA, the Department of Employment Services will certify employment eligibility of all applicants referred to job or training opportunities. We will retain the Employment Eligibility Verification, Form I-9, for all of these applicants and will issue letters of certification to employers for those applicants who we refer to jobs.

SENATOR HARKIN:
2. If you are not receiving an unemployment check but yet you are unemployed can you use the department to help you locate a position or leads to where employment can be found?

MS. ROBERSON:
2. Yes, you may. The neighborhood comprehensive service centers not only provide for the processing of unemployment compensation claims, but also for a wide variety of employment-related services. Such services include assessment of applicants' skills, knowledge, and

abilities; occupational choice or occupational change counseling; proficiency, interest, and aptitude testing; and job matching through job development contacts to employers who have not listed openings with us, and through Job Bank listings.

SENATOR HARKIN:
3. Explain how jobs are selected for the Youth program. Are these youths matched with particular jobs or are they just assigned to a certain area or agency and directed to whatever becomes available? Give a breakdown on the types of jobs that are available.

MS. ROBERSON:
3. The Mayor's Summer Youth Employment Program (SYEP) provides a broad array of employment and training opportunities for our youth in the District of Columbia. Our summer jobs are developed as follows:

Phase I
The first phase begins in October with program staff contacting all of the prior year's worksites via telephone to determine their interest in continuing their participation. Once a mailing list is developed, the program mails a non-financial Host Agency Agreement to all interested organizations. Host Agency Agreements are written agreements between the Department of Employment Services and private organizations requesting jobs for the employment of youth. The major components of this agreement consist of the following:

- delineates what jobs youths will perform;
- requests the number and types of jobs being offered;
- identifies supervisors, work hours, contact people, and normal functions of actual workplace as opposed to summer employment;
- provides guidelines and restrictions that are placed on program (for example, the number of hours a participant may be allowed to work);
- specifies kinds of activities allowable in training of work to be performed;
- addresses responsibility for participant injuries and insurance claims;
- determines amounts of money to be paid participant; and,
- determines the length of time the program will operate.

Organizations are given one month to return the completed package which is reviewed by the department's job developers to determine the appropriateness of the job opportunities. Agencies that participate in this effort are generally non-profit and government entities.

Phase II
The second phase of the process involves the release of a Request For Proposal (RFP). This process is open to all qualified offerors and identifies special innovative projects, as well as education-based initiatives for 14 and 15 year-olds. Offerors selected to participate in this effort receive formal financial contracts with the department for costs associated with salaries, training, and other services.

Phase III
The final phase of the activity involves a mass mail-out to over 21,000 private-for-profit employers in the District of Columbia. These mail-outs consist of the following:

- a letter to the employers from the Mayor appealing for their support in summer youth employment;
- brochures explaining the services we will provide to participating employers;
- post-paid return pledge cards for interested employers willing to hire summer youth (when received, the department follows-up to find out the employment needs of each participating employer).

Some participating employers hire summer youth through their own efforts. In such cases, we have a section in our pledge card for employers to mark the number of youth they have hired, so that we may obtain an accurate account of total summer employment.

In addition, a series of luncheon meetings are conducted for employers to solicit their participation in our summer youth program. These meetings are orchestrated by members of the Board of Trade.

Once jobs are developed, the appropriate paperwork is completed to enter the worksite data in the program's computer system. Each job vacancy is assigned a numeric code which corresponds to the Dictionary of Occupational Titles (DOT) code for that occupation. These vacancies are retained on file for job match purposes.

Registration

Simultaneously, staff are certifying eligible youth for program participation. Each youth is allowed to select one or more (not to exceed three) occupational choices that correspond with those occupations being developed by job developers. This data becomes a part of the program's automated applicant data base.

Referral

Once all job development and applicant data are entered into the data system, job matching begins. All job matches are effected through on-line terminal individual referral or mass computerized job match. Approximately two-thirds of the applicant population is referred through the mass computerized job match, the remaining youth are referred individually on-line. Job matches are made based on various criteria, as noted below:

a. Community recruitment: Many job matches are made under this provision which allows a youth to request a specific placement at an organization that will provide a special employment experience. We refer youth to programs such as those sponsored by Arts D.C., Latin American Youth Center, university Upward Bound projects, D.C. Recreation Bands, etc., by using this provision (on-line and mass referral).

b. DOT code: Approximately two-thirds of the applicant population is referred on a strict DOT code match. This means that the computer scans the worksite file for a vacancy, and refers the first eligible applicant that has requested that kind of job to the opening (mass referral only).

c. 14/15 year-olds: This is the only population for which the program takes into account proximity to home and/or accessibility to rapid transportation. For this referral, a specific matrix is developed that refers each youngster to the location that is nearest the academic school that the youth attends.

The types of jobs available for the FY 1987 summer program include occupations in the social services, clerical and sales, maintenance, arts, and entertainment categories.

SENATOR HARKIN:
4. What percentage of single parents that are receiving public assistance take advantage of the training programs you have within this agency? How many complete the program and find employment and get off of public assistance?

MS. ROBERSON:
4. In the current year [FY 1987 (October 1986 - September 1987) for Youth Employment Act programs, Work Incentive (WIN), and other local programs, and PY 1986 (July 1986 - June 1987) for Job Training Partnership Act programs], 2,413 persons identified as single parent AFDC recipients registered for training and employment programs. Of this number, 32 percent were enrolled in training and 38 percent were placed in jobs either through direct placement activities or subsequent to training. Eight percent are currently enrolled in training and 22 percent are being served in direct placement activities, such as testing, counseling, assessment, and job development. For the period July 1986 through April 1987, 502 persons left the welfare rolls and 183 persons had their grants reduced as a result of participating in WIN related activities. Some of these single parents participated in our programs during the last months of the prior year.

OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT

SENATOR HARKIN:
1. You have requested 5 new temporary administrative and clerical support positions. How long will these 5 positions remain temporary? Will these positions become permanent positions next year?

MR. HOLMAN:
1. We have requested five CFT or permanent, not temporary, administrative or clerical support positions. Because of the large volume of loan-related paperwork and other requests for information from OBED, our need for additional support staff is a permanent need. In fact, last year we constantly had to resort to using secretarial help from temporary agencies to handle the overflow of typing generated by professional staff. However, the high turnover inherent in using temporary agencies meant that much time was spent in constant retraining of new temporary help concerning the formats and procedures for preparing and typing OBED's paperwork.

SENATOR HARKIN:
2. What statistics did you use to justify these positions as temporary?

MR. HOLMAN:
2. These five clerical positions are permanent not temporary ones. Through our marketing program and through word of mouth, there has been an increase in requests for information about OBED and our various loan

programs. District reporting requirements also have escalated the amount of material that the professional staff must draft and have typed. As OBED's loan programs and services have become better known, there has been a significant increase in paperwork generated. For example, whereas our Financial Services Division approved a total of 57 loans in FY 1986, 51 loans have been approved to date in FY 1987. A typical file on a loan application includes approximately 150 pages typed by our own support staff. Our financial analysts prepare detailed analyses of each applicant's financial status and business potential. After this lengthy report has been typed and reviewed, and provided that the loan is tentatively approved, a 5- to 6-page letter of commitment is drafted and sent to the District's Office of the Corporation Council for review. Often the Corporation Counsel makes extensive changes, which require retyping by OBED's support staff. Loan closing documents also are lengthy typing assignments, and once they are completed, memoranda must be prepared to request transfer of community block grant money from the Department of Housing and Community Development to fund the individual loans. Even if a loan request is denied, a detailed letter of explanation must be drafted and typed. Thus, with additional, permanent support staff, OBED will be able to honor requests for loans and other information more expeditiously and efficiently.

DEPARTMENT OF CORRECTIONS

SENATOR HARKIN:
1. How many inmates have participated in work training programs at the Minimum Security Facility in the past year?

MR. WILLIAMS:
1. In the six months from April 1986 through September 1986 there were 92 furlough or work training participants at Minimum Security. From October 1986 through March 1987 there were 170 participants. Over this twelve month period they accumulated a total of 12,311 work training days in the community, an average of 47 men released each week day.

SENATOR HARKIN:
2. Provide specific data in terms of residents who completed work training experience; residents who completed work training and are working in the community and residents who participated in work training and have returned to jail or prison.

MR. WILLIAMS:
2. During the twelve months through March 1987 seven furloughs failed to return, none were rearrested and twelve were removed from the program for misconduct. All others completed the program successfully. No information is available specifically relating to the post-release performance of furlough participants.

SENATOR HARKIN:
3. Are there any programs in place to involve resident's families? If so, what facilities do you have for a family treatment program?

MR. WILLIAMS:
3. The Department of Corrections is concerned with the continued support and value fortification which is provided by the family unit. In order to address this concern it has for many years stressed the involvement of frequent family contact through visitation, family oriented holiday programs, and specified family days at most institutions.

At the Central Facility (the largest single institution located at Lorton, Va.) residents are participating in "self-help" groups which involve family counseling in the area of narcotic and alcohol awareness. These counseling sessions provide some structural support for those family units touched by these addictions, however, they are limited in their ability to reach large segments of the families of the inmate population.

In addition, each institution is equipped with religious and correctional treatment staff members who maintain contact with family members throughout each resident's incarceration. Such contact is accentuated during crisis periods. In some instances special family visits are granted to reduce the stress on both the resident and the family unit. The department's Office of Volunteer Services also refers those families which express a need for additional help to churches and various private and public counseling groups within the city.

The Washington Halfway Home for Women also conducts family counseling sessions for women (particularly women with children) who are incarcerated. These women face special problems in their attempt to be reintegrated into the community.

SENATOR HARKIN:
4. Provide information concerning facilities that provide stress management training for both officers and residents.

MR. WILLIAMS:
4. There is a 24-hour program designed to equip employees of the department with the knowledge and ability to recognize, evaluate and manage stress within their lives, through a combination of lectures, small group discussions, and skill-building practice sessions. Each participant will develop a personalized action plan that will facilitate the continued use of stress reducing skills and techniques to assure a more enjoyable, healthy and productive life.

This 24-hour course is conducted monthly at the Metropolitan Police Department Training Academy. The targeted audience is DS-07-09 correctional officers. In a related context, the Training Academy conducts stress management training for new supervisors. This course is designed to enhance the knowledge, skills, and effectiveness of correctional supervisors. The course focuses on the role and function of a supervisor, staff relations, civil liability, communications, group dynamics, and stress management. This course is conducted at least twice a year, or more often as needed, as individuals are promoted to supervisory positions.

In addition, the Academy offers, through the in-service correctional officer training program, an 8-hour stress awareness course designed to address the needs of line correctional officers. This course is conducted bimonthly. The academy also provides stress management training to all new correctional officer recruits through the pre-service correctional officer training program. This course is a three hour stress management program which is designed around the same core curriculum as the other stress management components of the Academy's offerings.

Stress management for residents is addressed through a variety of programs ranging from professional consultation with psychological and social services staff members to formalized classroom training offered through the department's Educational Services Division.

Each institution is staffed with a trained professional psychological and casework staff who are often involved in the utilization of stress management techniques during crisis situations. In addition, group counselling sessions conducted by these staff members often make residents aware of methods of reducing stress. The Central Facility conducts a formal class provided by a community volunteer on meditation, which touches on stress management techniques. The present enrollment in this class is approximately twenty students, with current plans to enlarge the program in FY 1988.

The department's Educational Services Division offers "Life Skill" training in each institution to any residents interested in this course of study. This course reaches approximately 120 residents annually at each institution. Within the framework of its curriculum 12 classroom hours are devoted to the formal instruction of stress management techniques.

SENATOR HARKIN:
5. How many residents passed the GED this past year?

MR. WILLIAMS:
5. During the period of May 1986 through January 1987 in which three GED tests were administered, 131 individuals successfully completed the program.

DEPARTMENT OF CORRECTIONS

SENATOR HARKIN:
1. The new prison that the Department of Corrections intends to build as been proposed as a "correctional treatment facility" designed to treat offenders with drug abuse problems. Given the District's expanding prison population, the Department of Corrections' yearly requests for funding increases so that it can properly house this population, and the great expense of providing substance abuse treatment to offenders in a penal setting, what assurance do we have that a correctional treatment facility will remain a drug treatment center for offenders, instead of reverting to a more traditional prison like Lorton where offenders are simply housed and not treated?

MR. WILLIAMS:
1. The District of Columbia recognizes that a growing percentage of its incarcerated residents have histories of substance abuse and/or controlled substance-related offenses. There is also a significant and growing number who require in-patient mental health services and care. Simply incapacitating these individuals, who will all be

returned to the community, in traditional prisons does very little to address their needs or break the cycle of crime and incarceration.

With this in mind, the District has chosen to take an intensively programmatic, meeting-needs approach to the institutionalization of these individuals in the belief that such intervention can have the long term result of curbing their recidivism. It is in the District's interests to focus its resources on the group of offenders who are disproportionately responsible for prison population growth. The expectation is that ultimately a leveling off or decline in the prison population will be seen.

Beyond this operational commitment to the program approach the physical facility has been designed to emphasize service delivery rather than primarily to augment housing capacity. While traditional housing configurations currently in use provide for 50-160 person cellblocks or dormitories with centralized support facilities to serve the entire institution, this facility is based on 32-bed, self-contained therapeutic community units. Within those units, as currently envisioned, less than a third of the space will be devoted to sleeping areas. Most of the area will be for unit administrative functions (4%), recreation, dining, program, visiting, and support functions (40%), and treatment and counselling (23%). This design dictates the provision of minimal internal security staffing and a high level of program personnel.

The construction materials to be used within the residential units are, for the most part, of commercial rather than high security grade, with "hard" detention materials to be used on the exterior and perimeter to ensure the institution's security. With this design it would not be feasible to use this structure simply to expand capacity for inmates requiring medium to maximum custody, requiring correctional- rather than program-intensive services.

SENATOR HARKIN:
2. What is the rate of overcrowding in the District's present correctional facilities? What is the projected rate of overcrowding over the next ten years? What percentage of that overcrowding will the new correctional treatment facility alleviate? How do you intend to house the remaining population that cannot be located at current facilities due to court-ordered population ceilings?

MR. WILLIAMS:
2. At present D.C. correctional institutions house about 7% more inmates than they are rated to hold (assuming all existing court imposed caps), or a total of 480 prisoners. By 1997 the population is projected to have increased by another 1800 prisoners, based on past trends, and assuming implementation of the "Good Time Credits Act of 1986" and the proposed sentencing guidelines.

The Correctional Treatment Facility will provide housing for about 35% of the total of current crowding plus projected increases.

Various options are under consideration for dealing with the remaining population. These include, but are not limited to, expansion of Community Correctional Centers, treatment alternatives for selected drug offenders, use of temporary pre-engineered housing units, and renegotiation of at least some of the court-imposed caps (based on the totality of system conditions), expansion of intensive probation, and creation of a halfway-back program.

SENATOR HARKIN:
3. If you are willing to spend at least 23 million dollars a year to operate this facility, how much are you willing to spend annually for alternative programs (such as halfway houses, intensive probation supervision, etc.)? How much did you request for these programs in your FY 1988 budget?

MR. WILLIAMS:
3. The FY 1988 budget request for the Department of Corrections includes $12,354,000 for Community Services. This part of the budget provides $9,000,000 for community correctional centers, including residential space for intensive third party custody and a halfway back program for parolees at risk for revocation, $536,000 for third party custody programs, and $343,000 to administer work programs in which ex-offenders are involved.

Intensive probation is a separate program administered by the courts. Parole supervision is administered by the Board of Parole. The Department of Employment Services administers the Special Temporary Employment Program (STEP) which provides transitional employment for parole candidates requiring jobs to qualify for a parole grant. Through agreement with the courts, the Department of Corrections, and the Department of Public Works, the program of community service in lieu of incarceration has been expanded to offer this option to persons who are given "weekender" sentences.

The Pre-Trial Services agency is entirely dedicated to evaluating persons charged with offenses for recommendation to the court during arraignment, of diversion from detention, if found qualified, to release on bond, personal recognizance, or to third party custody. I can not definitively recite for the other agencies the portion of their budgets which are devoted to supporting these alternative to incarceration programs.

SENATOR HARKIN:
4. Two years ago before this Committee, Senator Specter asked you for a prison population profile. That population profile was released in 1985. There seemed to be a great deal of dissatisfaction with these data. Do you have any other prisoner population profiles that could reveal how many current inmates could safely be directed to alternative programs? What percentage of your current population could safely be placed in alternative programs instead of being housed at Lorton at the cost of almost $20,000 per year per inmate?

MR. WILLIAMS:
4. Every correctional services agency is in the business of risk. Every release, whether it be for parole, CCC placement or expiration of total sentence involves some level of risk to the community. The acceptability of such risks varies with public opinion and media attention, as well as judicial and legislative policies. How many inmates can "safely" be placed in alternative programs is a very complex issue which must take into consideration community reaction, the quality of professional judgements, the availability and quality of alternative programs, and the cost-effectiveness of various program/incarceration program mixes.

The District is currently proceeding on a step-by-step basis to review and implement various alternatives to incarceration. These include community service work in lieu of incarceration, intensive probation, a halfway back program for selected parolees in violation of rules, establishment of a pre-release program in the community, a Special Temporary Employment Program (STEP) for parolees, and intensive pre-trial, third-party custody programs.

It should be realized that the Department of Corrections is restricted in the alternatives it can achieve on its own. There are legal constraints based on each prisoner's sentence itself, as well as laws which control our use of such programs as work-training furlough and CCC placement.

Probation, with or without special conditions, is undoubtedly the single largest alternative program available in the District. Interestingly, probation caseloads have been expanding at a rate comparable to the expansion in incarceration in the District, having doubled between 1980 and 1986. Since reported serious crime has been relatively stable during this time the conclusion is that the District is experiencing a balanced expansion of criminal justice supervision over individuals in both incarceration and in alternatives.

SENATOR HARKIN:
5. If the Department of Corrections would embark on a massive plan to implement alternative sentencing programs, what resources would you need from this Committee?

MR. WILLIAMS:
5. Any "massive" movement of prisoners to alternative programs would have as a prerequisite a major shift in community expectations. Until such a shift in public conceptions of the threat of crime and the effectiveness/appropriateness of alternative sanctions is achieved the Department of Corrections does not anticipate proposing any such major program initiatives.

On the other hand, we will continue to develop specific programs whenever they are seen as effective and achievable. The Department of Corrections did not bring about the drastic rise in population in recent years. It cannot, by itself, reduce its inmate population. While we have taken numerous steps to help control the population, the fact is that it is a system-wide problem that can only be dealt with on a system-wide basis.

SENATOR HARKIN:
6. In March 1986 you announced a "10 Point Program for Corrections." (see attached). Can you tell the committee the progress you have made in implementing the final three points of this program? (develop special halfway house for parolees requiring close monitoring in the community -- proposed implementation date July 1986; expand halfway house beds by 100 percent -- projected to be phased in "over the next year;" create corrections advisory groups from each ward of the city -- projected implementation date April 1986).

MR. WILLIAMS:
6. A "halfway back" program has been developed to house parolees who are in jeopardy of parole revocation due to technical violations. This program is funded through a combination of appropriated funds for the department's community correctional centers and a grant administered by the Office of Criminal Justice Plans and Analysis.

The halfway house population at the beginning of FY 1986 was 320. On May 30, 1987 the halfway house count was 610. The department is continuing its efforts to further expand its use of halfway houses. Progress in this area, while significant, has not been as great as we hoped due to a number of factors, principal of which is community resistance.

Presently there is one corrections advisory group associated with Ward 6. An additional group is being developed, also in Ward 6, to deal specifically with the construction of the new treatment facility. There are other correctional advisory groups of a more general nature, such as for the Youth Center, but they are not specifically associated with District Wards. The process of creating corrections advisory groups has begun with the department's participation in Advisory Neighborhood Commission meetings in Ward 7 and Citizens Advisory Committee to the Metropolitan Police Department precinct 2 meetings in Ward 2.

SENATOR HARKIN:
7. In a stipulation signed by Mayor Barry on August 22, 1985 as part of the litigation in the D.C. Jail conditions lawsuit Campbell v. McGruder (attached), the Mayor promised to "personally lobby the Councilmembers in an all-out effort" to pass the D.C. Council Prison Overcrowding Emergency Powers Act. Besides writing one letter to the Council, how has the Mayor personally lobbied the Council on this bill, and what future action does he plan to take in this regard?

MR. WILLIAMS:
7. In addition of forwarding the cited letter, the Mayor, through the Office of Intergovernmental Relations, has conveyed his support for passage of this legislation. The bill was not reported out during the last legislative session due, in part, to objectionable language related to housing requirements for future capacity expansion. The Mayor's special assistant for corrections and representatives of Intergovernmental Relations have recently met with the bill's author and the Chairperson of the Judiciary Committee of the Council to encourage movement of the bill in this session. There is optimism that it will be reported out by the Committee and put to vote by the full Council.

SENATOR HARKIN:
8. In that same Stipulation the District promised that a parole determination shall be made by the Parole Board no later than ten days prior to a residents' parole eligibility date. In your report to the Court in the case of Inmates of Occoquan v. Barry, dated January 1987, you stated that this was occurring 90% of the time. Have you now achieved this in 100% of your cases? If not, why not, and when do you intend to achieve this?

MR. WILLIAMS:
8. Every attempt is being made to achieve a 100% response to the submission of individuals' progress reports to the Parole Board. In May, the Board heard 98% of eligible cases 10 days or more before their eligibility date. The manual accountability system established by Department Order 4360.1 is being automated and the computer system will allow for a maximum effort to be realized. This will increase the overall percentage of on-time report submissions to the Board. However, there will continue to be a small number of individuals that will not be in compliance due to the application of jail credit towards sentences. This effect causes the parole eligibility dates to have passed at the time of sentencing. The Department cannot prevent these types of occurrences.

A more significant impact is the implementation of the District of Columbia Good Time Act of 1986. This Act will reduce the minimum portion of an individual's sentence and became effective on April 11, 1987. The entire sentenced population of the Department is being evaluated and recomputations are being done where necessary. In some cases the parole eligibility date will be adjusted requiring immediate submission of progress reports. The time required to accomplish the evaluation of each sentenced individual will be approximately three (3) to six (6) months.

SENATOR HARKIN:
9. In the Stipulation the District agreed to increase its halfway house capacity to no less than 736 by September 30, 1986. In the January 1987 Report to the Court you stated on page 8 that you did not expect "that increases in halfway house capacity can be accomplished within the stated time frame." What are you doing to ensure that you abide by your stipulation and create the proper number of halfway house spaces?

MR. WILLIAMS:
9. At present, the Department's Community Services Division is conducting negotiations with two of its contractors to increase the number of bedspaces they make available to D.C. out of their total pool of available beds. These negotiations can result in an additional 50 beds.

The Department has leased two properties in Northeast Washington. A design feasibility contract has been let to determine the number of beds the two facilities will provide. Initial estimates have a 75 to 150 bed capacity for the two facilities.

As of May 28, 1987, the Department of Corrections issued a Request-for-Proposal (RFP) to solicit the public in an attempt to acquire additional bedspace if a shortfall occurs in any of the above expansion options.

SENATOR HARKIN:
10. Will you be able to comply with the order to limit the Occoquan population to 1281 by June 1, 1987? What are you doing to achieve compliance with that order?

MR. WILLIAMS:
10. Pursuant to Inmates of Occoquan v. Marion S. Barry Civil Action No. 86-2128 a motion for a stay of the original order was made on

April 30, 1987 by the D.C. Corporation Counsel. A hearing was held on that motion May 20, 1987, alternatively modifying the date of compliance to consist of a report to the Court by a Special Master on July 1, 1987.

The D.C. Department of Corrections has in general taken a number of steps to reduce its population in the past year. These actions and corresponding numbers of inmates affected, are enumerated as follows:

	Action	Impact
1.	Special Process for Paroling misdemeanants	40
2.	Modify CCC Eligibility Criteria	50
3.	Increase Requests for Sentence Reduction	-
4.	Move R & D to Modular Facility	-
5.	Remove Violators from STEP	-
6.	Establish new Classification System	-
7.	Implement "Halfway Back" Program	115*
8.	Expedite Parole Releases	80
9.	Implement Good Time Credits Act 1986	400*
10.	Modify Furlough Practice	-
11.	Expand CCC's Capacity	250 200*
12.	Modify Minimum Security transfer Criteria and Increase Capacity	200
13.	Female Prisoners Housing	-
14.	D.C. YRA Guidelines	-
15.	Sentence Computation	150*
16.	Pre Engineered Housing Unit (P.G. Co.)	100*
17.	Intensive Probation	10
18.	Weekenders Community Service Program	45
19.	Virginia Jails	45
	TOTAL	1685

(720 done)
(765 pending)

*Impact not yet achieved

SENATOR HARKIN:
11. The land proposed to be used is Federal land. What kind of "sign-off" or review was the Department of Justice or G.S.A. able to provide with regard to the site?

MR. WILLIAMS:
11. There has been no federal, Department of Justice or G.S.A. "sign-off" or review for the current planned use of land on which to construct the new treatment center. It has been assumed that such action is not required based on the conveyance of the property to the control of the District of Columbia. The following citations are provided:

Title 24-407; Jail and Washington Asylum, combined: "The Jail of the District of Columbia and the Washington Asylum of said District shall be combined as one institution, known as the Washington Asylum and Jail. March 2, 1911. 36th Statute 1003, Chapter 192. 1973 edition 24-407.

Title 24-420; Grounds of Jail increased: The buildings and grounds adjoining the Washington Asylum in the District of Columbia, used prior to June 16, 1880 as a naval and army magazine, are added to the grounds of the Washington Asylum and Jail and subjected to the control of the Mayor of the District of Columbia as part of the Asylum until otherwise ordered. June 16, 1880. 21st Statute 270 Chapter 235. March 2, 1911 36th Statute 1003; 1973 edition 24-420.

SENATOR HARKIN:
12. On October 2, 1986, the N.C.P.C. requested information about proposed traffic effects. What proposals have been made regarding traffic circulation and management?

In that connection, the current plan is to route non-visitor traffic to the facility via E Street, S.E., along a residential street past the main gate of Congressional Cemetery. If construction of the foundation begins before questions regarding traffic and access are reviewed by the N.C.P.C., the community, and others, how does the District plan to respond to concerns about using E street or other residential streets for employee access, inmate access, service vehicles, buses, and so on?

MR. WILLIAMS:
12. Care is being taken to insure that any increase in the amount of construction traffic in the vicinity of the project site is minor. Construction operations are not expected to include any disruption of normal traffic flows, utility services, or any other normal pattern of life near the project. Parking for construction employees will be restricted to on-site locations or at a specially designated parking area away from the residential area. With foundation construction not scheduled to begin until early 1988, it is expected that the intervening period provides ample time to discuss and resolve any concerns and questions regarding traffic and access.

SENATOR HARKIN:
13. Other facilities proposed for the same area that would use Federal land include hospital expansion and construction of an amusement park. Have these plans for using Federal land been coordinated? If so, what traffic volumes are anticipated and how will they be managed?

MR. WILLIAMS:
13. We are unaware of any plans for an amusement park in this area. The plan to expand the hospital is essentially to provide improved, upgraded facilities to house services (emergency and ambulatory) already operating at D.C. General Hospital. The site in question is adjacent to the hospital, where the old D.C. Jail stood before its demolition. It is not expected that this facility, given its replacement nature, will have a significant impact on traffic in this area.

SENATOR HARKIN:
14. One reason for selecting the site was the nearby jail and hospital. If it became necessary to increase D.C. prison capacity again in a few years, is it reasonable to expect to do so by enlarging this "prison complex"?

MR. WILLIAMS:
14. Expansion of this prison complex is not an option for meeting any future needs to increase D.C. prison capacity.

SENATOR HARKIN:
15. The January 29, 1987 Technical Memorandum states that the facility will be on a "residential scale". On October 2, 1986, the N.C.P.C. suggested that a four-story building would be more compatible with the residential area than a five-story building. The residential area is exclusively two-story homes.

The N.C.P.C. also expressed concern for the "specific protection and enhancement of the cemetery's historic landscape". The current proposal projects a five-story building massed against the Cemetery boundary.

What design modifications would be appropriate to achieve the goal of maintaining "residential scale" and reducing intrusive effects on Congressional Cemetery?

MR. WILLIAMS:
15. The design for this facility calls for a four-story structure which will be no higher than the current D.C. Jail. The facility will be completely obstructed from residential view, since it is located behind the D.C. Jail and on land which slopes downward to a lower elevation. There will be a 25-foot heavily landscaped (thick foliage) buffer between the perimeter of the institution and the cemetery boundary.

SENATOR HARKIN:
16. The conference report to accompany H.J. Resolution 738 (October 15, 1986) expressed the desire that the District "select competent, highly qualified construction managers and contractors". The District has suspended ordinary bidding procedures for contractors in order to expedite construction. Shouldn't ordinary bidding procedures be maintained to ensure compliance with Congress' goals?

MR. WILLIAMS:
16. While the normal procedures for contracting were followed, they were handled in an accelerated and expedited manner (staff worked weekends and nights) in order not to compromise the safeguards built into the process to ensure selection of the most competent bidders. This accelerated approach was used in order to meet the Congressional requirement that a contract be awarded by October 15, 1986. In fact, the entire project is being handled in an expedited manner, without sacrificing quality control, in order to meet Congress' goals.

SENATOR HARKIN:
17. The conference report also expressed the desire that planners "meet regularly with area residents to discuss current and future plans concerning the facility". The Technical Memorandum also recognizes the need to "respond to (community) concerns".

How does the District plan to accomplish these objectives if construction begins prior to resolution of issues regarding local street access and traffic management?

MR. WILLIAMS:
17. The Mayor is establishing a Correctional Treatment Facility Advisory Committee. It shall serve as a conduit for community/government dialogue and shall provide an opportunity for citizens, through community leadership, to be involved in discussion and to proffer advice on the construction of a correctional treatment facility in the District of Columbia. This committee will serve to advise the Mayor and the Director of the Department of Corrections on matters that affect plans for the facility's construction and convey public concerns relating to its construction. It will promote public awareness of the programs and plans for the facility and study and make appropriate recommendations with respect to various proposals and policies directly related to the construction.

The committee will be composed of a maximum of 17 members who are residents of the affected area. The Director of the Department of Corrections will appoint one member to serve as chairperson.

SENATOR HARKIN:
18. Federal planning documents call for "effective planning management and use" of Federal land. The "effective use" of Federal land suggests that usage meet applicable criteria. On April 2, the N.C.P.C. was advised that the facility complied with all standards for corrections facilities and that the District would seek accreditation for the facility.

Section 2-4160 of the A.C.A. "standards for adult correctional institution" recommends that new institutions be designed to accommodate no more than 500 inmates.

Section 2-4157 of the A.C.A. standards recommends a minimum two acres per inmate unit up to 500 and 90 sq. ft. per inmate over 500.

Does the facility meet these standards? Or is the proposal to seek accreditation based on an expectation that the A.C.A. standards will be revised?

MR. WILLIAMS:
18. The 800-bed facility is divided into three components: Substance Abuse - 256 beds; Mental Health - 256 beds; and Reception and Diagnostic - 298 beds. Each component has its own separate administration and staff. (Section 2-4160 references related A.C.A. standard 2-4127, "Institutions of more than 500 inmates are subdivided into units of not more than 500 inmates, each of which are staffed by a unit manager and the number and variety of personnel required to provide the program services and custodial supervision needed for each unit." This facility meets these requirements. Further, the 500 person limitation is a recommendation but not a requirement for accreditation and, the nature of this facility may place it outside the definitional scope of the adult correctional institutions used in the sited standard.

This facility also exceeds the recommended standards for recreational space.

SENATOR HARKIN:
19. Are ancillary facilities and structures other than the prison itself proposed to be constructed on Reservation 13? What are

project costs and capital costs for such facilities? How are these costs proposed to be financed? Does the District plan to seek Federal assistance? Will it seek approval of the D.C. Council?

MR. WILLIAMS:
19. There are no plans for construction of any structures other than this self-contained facility on this site.

SENATOR HARKIN:
20. The "effective use" of Federal land also suggests a need for assurance that the facility will continue to serve its intended function, a function which the Technical Memorandum recognizes is highly staff-dependent.

The operations budget of the facility is estimated at between $23 million and $30 million. A large proportion of this is for staff salaries.

How does the District plan to finance expenditures for operations? Does it expect Federal assistance?

How does the District plan to avoid cut-backs in staffing in the future to avoid raising taxes or to reduce expenditures?

MR. WILLIAMS:
20. The District does not expect Federal assistance in financing the operation of this facility. It is expected that the cost of its operation will be supported by a combination of resources redirected from other department operations consistent with any population shifts which result from the opening of the facility, and normal anticipated growth in District revenues.

SENATOR HARKIN:
21. The Department of Justice recently released a report showing that the average inmate in a state prison spent more that 11 hours per day in his or her cell. The Technical Memorandum indicates that "more than six hours" per day per inmate in the Substance Abuse and Mental Health components will be scheduled and that outdoor recreation opportunity will be provided.

Are inmates likely to be in their rooms more than ten hours a day? Given available outdoor recreation area, how frequently will an inmate have access to outdoor recreation opportunities?

Please provide current information with respect to the D.C. Jail for inmate in-cell time and to rate of access to outdoor recreation.

MR. WILLIAMS:
21. Residents are not likely to be in their rooms more than ten hours per day. In addition to six hours per day engaged in program activities, residents will be out of their rooms for meals, visiting, and indoor recreation. It is expected that residents will have daily access to outdoor recreation, weather permitting.

Inmates in the general population at the D.C. Jail spend an average of 11 hours per day in their cells (this includes hours of sleep). Inmates requiring more stringent custody average a greater number of hours of cell-time. Inmates under administrative segregation average

23 hours of cell time per day. Those under court-ordered protective custody or separation from other residents average 19 hours of cell time per day.

Access time for outdoor recreation for adult general population inmates is three days per week for one hour per day, weather permitting. Juvenile offenders have access to outdoor recreation for five days per week, one hour per day, weather permitting.

SENATOR HARKIN:
1. When families are displaced and they are receiving public assistance checks and placed into shelters or motels that contract to the city, what payment do these families make out of their public assistance checks?

BYRON MARSHALL:
1. None. Currently there is no District policy requiring the payment of fees for emergency shelter services. But, the Department of Human Services is aggressively exploring the possibility of charging nominal rental fees in "second-phase" family centers as part of the transitional process.

SENATOR HARKIN:
2. Provide a breakdown on families living under these conditions and what type of steps are being taken to find permanent living quarters.

BYRON MARSHALL:
2. There are approximately 300 families in emergency or transitional shelters. Of that number, 180 are housed in hotels or motels.

To help these families secure permanent housing, DHS employs two full-time housing counseling specialists who work closely with the Department of Housing and Community Development, private realtors and property managers to find available, affordable housing. The Department also utilizes a number of Federal and local incentive programs, such as Section 8, the Tenant Assistance Program (TAP) and the Rental Vendor Payment Program to expand the amount of available housing.

SENATOR HARKIN:
3. Should there be a limit placed on how long they can stay in a shelter?

BYRON MARSHALL:
3. There is strong evidence that the present lack of a limit may be a substantial disincentive to progress for those families who are more prone to public dependency.

The goal for lengths of stay in a family shelter is ideally no more than 30 days for an emergency shelter and 90 days for a transitional center. Some families may require a longer period in order to resolve problems that pose a threat to their obtaining permanent housing.

SENATOR HARKIN:
4. Does the city pick up the entire bill for these families to stay in motels?

BYRON MARSHALL:
4. No. Fifty percent of funds used to shelter families in emergency housing is eligible for Federal reimbursement for the first ninety days of their stay. All other expenses (i.e. transitional centers, meals, longer lengths of stay) are funded 100% by the Government of the District of Columbia.

SENATOR HARKIN:
5. Has the Department implemented any type of program to keep track of the number of foster children in the system? If so, provide details of this.

BYRON MARSHALL:
5. The Department has developed a new ward tracking system (WTS) to provide a range of data about foster children who have been legally committed to the state's foster care system. The new system, which is very comprehensive, became operational on October 1, 1986. The WTS system has the capacity to identify and maintain family histories, provide demographic data, make payments to foster parents and other foster care vendors, provide payment histories, and generate reports and reminders for administrators and social workers in order to enhance effective and efficient management of the foster care system.

SENATOR HARKIN:
6. Are all of the foster children located in the immediate area or do you still have some housed in institutions or foster homes out of state?

BYRON MARSHALL:
6. The majority of children in the foster care system are located in foster care family homes and foster care group homes within the District. There are a small number of children living in foster homes in other states throughout the country. Typically, these families initially resided in the metropolitan Washington, D.C. area and needed to move for personal reasons; the parent-child relationship was so strong that the children were allowed to remain with the families. The Department has approximately 95 foster children from a population of 2,038 who are currently placed in residential treatment facilities throughout the country.

The Department has issued a Request for Proposals (RFP) for local vendors to provide residential treatment to our foster care wards. The proposals have been evaluated, and a list of successful awardees is pending. This will allow us to place approximately 50 children in residential treatment within a 50 mile radius of the District.

The District also intends to expand residential treatment facility capacity in order to accommodate all children requiring such specialized placements, as the number of appropriate vendors increases.

SENATOR HARKIN:
7. Provide a breakdown of the Job Skills Enhancement program. How many people are enrolled, how many completed the program? How many are gainfully employed and how many have been terminated from the program.

BYRON MARSHALL:
7. The Job Opportunity and Business Skills (JOBS) Program has completed two twenty-four week cycles and is scheduled to complete the third cycle on June 24, 1987. For cycles one and two, 103 people were enrolled, 94 people completed the program, and 9 were terminated. All 94 who completed the program were initially placed in employment; 87 of these are currently still employed; five are seeking re-employment and two have been terminated from employment and are not seeking re-employment. For the third cycle, 52 people were enrolled, six have been terminated and 46 are expected to graduate on June 24, 1987. Cycle four began on May 7, 1987, with 52 people enrolled in classroom training.

SENATOR HARKIN:
8. How effective is this program?

BYRON MARSHALL:
8. The JOBS program has been very successful due to staff commitment, effective motivational program and quality job placements which are essential in promoting economic self-sufficiency. For cycles one and two, 91% of those enrolled completed the program and 93% of those who graduated are still currently employed. For cycle three, 88% of those enrolled are expected to graduate on June 24, 1987.

SENATOR HARKIN:
9. Is there a program for individuals that do not have insurance but are employed full time and cannot afford insurance to be given medical benefits?

BYRON MARSHALL:
9. For individuals who cannot afford private insurance but are employed full time, there are provisions made for coverage of medical services. Under the Medically Needy program (a component of the Federal Medicaid Program), individuals and families who have income in excess of the legally determined income standards may qualify for medical assistance under the Spenddown procedures. Spenddown or spend-down liability is defined as the amount of excess income an applicant must obligate toward the payment of incurred medical expenses in order to establish eligibility for medical assistance.

To illustrate: According to the Medically Needy program income standard, a family of four may have $592.00 in net monthly income and be eligible for medical assistance. Any income above the $592.00 is considered the amount which must be spent down. So, if an applicant's net income was

$792.00, the applicant would have to incur medical expenses of $200.00 or more. The applicant would then be eligible for medical assistance under this provision.

QUESTIONS SUBMITTED BY SENATOR NICKLES

FEDERAL PAYMENT

SENATOR NICKLES:

1. As you may know, I had intended the past two fiscal years to offer an amendment to the District of Columbia appropriations bill to reduce federal funding to the District. These amendments were based on my concern that Congress was exerting every possible effort to reduce Federal spending in other appropriations bills, but the District remained untouched. I would surmise from your FY 88 budget submission that you would support an increase in the Federal payment up to $444.5 million. While this represents the initial OMB request, later action by the appropriations committees reduced this to reflect funding for certain Congressional initiatives outside the Federal payment amount. How do you reconcile an increase from $425 million up to $444.5 milllion with efforts by Congress to reduce Federal expenditures? Do you not believe the District should share in these efforts as a recipient of Federal funds?

MAYOR BARRY:

1. Along with other state and local governments, the District has borne the brunt of efforts during recent years to reduce the federal budget deficit. Though not to its liking, the District recognizes that it must endure its share of the cuts in spending on grants and entitlement programs. The federal payment is not one of these grants or entitlements. It is designed to compensate the District for such unusual costs associated with, for example, the large amount of real property that is exempt from taxation, the additional spending in the public safety area to protect federal officials and representatives of foreign governments, and the prohibition against taxing the income of nonresidents. The concept of the federal payment as reimbursement for the extraordinary costs to the District of the federal presence has a very long history. To my knowledge, the principle of reimbursement has never been alloyed with the notion of controlling federal spending. Indeed, there should be no such impairment, for the costs of hosting the federal government continue unabated despite changing federal budget policy. To reduce the reimbursement would be to ignore this fact and to penalize the District for its accessibility and original reason for being. Rather, the concept of the federal payment supports an FY 1988 payment level that is considerably higher than $444.5 million. If the payment had been keeping up with the growth in District tax revenue in recent years it would be $590 million for FY 1988.

COUNCIL OF THE DISTRICT OF COLUMBIA

Senator Nickles:

1. **In FY 87 the City Council requested 13 staff positions, one for each member and the Chairman. Once again, there is a request**

for 6 new staff for FY 88. What functions will these persons perform?

Chairman Clarke:

1. Three of the six administrative assistant positions requested in FY 88 will help complete the Council Period VII reorganization by providing the administrative staff support necessary to assist three committees in meeting the demands of expanded oversight responsibility. Additionally, three new administrative assistant positions are requested to augment the staffs of three Councilmembers who do not chair committees. These positions will provide administrative and constituent services support to those Councilmembers.

Senator Nickles:

1a. How many staff will each member have on his or her personal staff?

Chairman Clarke:

1a. The number of positions to be allocated to each councilmember's staff are as follows:
Chairman - 6 positions; Councilmember 1 (Chairman Pro Tempore) - 5 positions, Councilmembers 2 through 4 (non-committee Chairmen) - 5 positions each (includes 1 new position each) Councilmembers 5 through 12 - 4 positions each.

Senator Nickles:

1b. How many are allocated to each committee?

Chairman Clarke:

1b. The number of positions allocated to each standing committee of the Council is as follows: Committee of the Whole (includes Budget and Fiscal Review) - 10 positions; Housing and Economic Development - 5 positions (including 1 new position); Finance and Revenue - 5 positions; Government Operations - 5 positions (including 1 new position); Consumer and Regulatory Affairs - 5 positions (including 1 new position); Public Works - 5 positions; Judiciary - 6 positions; Human Services - 5 positions; Education and Libraries - 4 positions; Public Services - 4 positions.

OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR

Mr. Nickles:

I. How frequently are D.C. Agencies and programs audited? Is there a regular schedule followed by your office? If so, please provide that for the record. How does this compare with other cities of comparable size?

Mr. Troupe:

I. The Office of the District of Columbia Auditor is required by statute to audit the following agencies and or activities annually:

- o Boxing and Wrestling
- o Convention Center
- o Depository Activities
- o Public Service Commission
- o People's Counsel
- o Lottery & Charitable Games Control Board

The Auditor is also required to audit periodically every two (2) to three (3) years:

- o D.C. General Hospital's procurement
- o D.C. Energy Office
- o Advisory Neighborhood Commissions

There is no fixed schedule or audit cycle for other District departments and agencies. While the Auditor has in the past envisioned the establishment of audit cycles for departments and agencies, the workload resulting from Council requests and other immediate needs have precluded this office from establishing such a schedule. We see this as a desirable goal and will be working to establish audit cycles for departments and agencies in the near future.

We have not surveyed other cities relative to this. However, we will undertake a survey and report our findings to the committee upon completion of the survey.

Senator Nickles

1. The FY 88 budget request for the Mayor reflects a proposed realignment of functions. There is a request for 23 new positions in the Office of Intergoernmental Relations and a decline of 3 positions in the Office of the Mayor. How many new positions will be created as a result of the proposal? Please break-out this proposed realignment by office and describe the positions intended to be transferred and the fiscal impact of these changes.

The Mayor

1. Of the 36 positions and $2.081 million requested for the Office of Intergovernmental Relations, 20 currently authorized positions and $1.227 million are transfers-in from other offices within the Executive Office of the Mayor. Three new positions and $183,000 are requested to fund the existing Office of Education which has heretofore been funded with grants and non-appropriated resources.

   The specific positions to be transferred-in and the reasons for the transfers are as follows:

   1.1 Transfer-in from the Office of the Mayor: +2CFT pos.; +$84,000. Two positions in the Office of Boards and Commissions are transferred-in to improve the coordination of appointments to Boards and Commissions with the legislative process.

   Positions and funding are requested as follows:

a. DS-14 Special Assistant (1 CFT)	51,000
b. DS-09 Administrative Aide (1 CFT)	25,000
c. Fringe Benefits	8,000
	$84,000

Office of Council and Congressional Affairs (1020)

1.2 Transfer-in from the Office of the Secretary: +1 CFT Pos.; +$56,000. This position is being transferred-in as part of the realignment and strengthening of legislative services. Specifically, this position will provide the resources to establish and operate an automated legislative tracking system with emphasis upon executive follow-up and implementation of new requirements of law.

Position and funding are requested as follows:

a. DS-14 Administrative Officer (1 CFT)	51,000
b. Fringe Benefits	5,000
	$56,000

Office of Policy and Program Evaluation (1030)

1.1 Transfer-in from the Office of the Mayor: +8CFT Pos.; +$360,000. The transfer-in of these eight positions from the Office of the Mayor is part of the realignment of policy and legislative services within the Executive Office of the Mayor. These eight positions will provide resources for policy development and program evaluation functions within the Executive's overall cost-benefit analysis paradigm.

Positions and funding are requested as follows:

a. DS-15 Director (1 CFT)	64,000
b. DS-14 Deputy Director (1 CFT)	53,000
c. DS-14 Program Managers (2 CFT)	94,000
d. DS-13 Program Analyst (1 CFT)	42,000
e. DS-12 Program Analyst (1 CFT)	33,000
f. DS-07 Secretary (1 CFT)	22,000
g. DS-07 Staff Assistant (1 CFT)	19,000
h. Fringe Benefits	33,000
	$360,000

Office of Documents and Administrative Issuance (1040)

1.2 Transfer-in from the Office of the Secretary: +9 CFT Pos.; +$727,000. The transfer-in of these nine positions from the Office of the Secretary is part of the realignment of policy legislative and rulemaking function within the Executive Office of the Mayor. This action unifies the statutory Office of Documents (D.C. Register) witht he Administrative Issuance process (Mayor's Orders and Memoranda), within the overall goal of improving and better coordinating the process of legislative follow-up and implementation.

a.	DS-15 Director (1 CFT)	60,000
b.	DS-15 Admin. Procedures Officer (1 CFT)	61,000
c.	DS-13 Attorney Advisor (1 CFT)	47,000
d.	DS-12 Publications Specialist	37,000
e.	DS-11 Publications Specialist	28,000
f.	DS-09 Administrative Aide (1 CFT)	25,000
g.	DS-08 Staff Assistant (1 CFT)	24,000
h.	DS-06 Clerk (1 CFT)	21,000
i.	DS-05 Clerk (1 CFT)	14,000
j.	Fringe Benefits	29,000
k.	Supplies	2,000
l.	Communications	2,000
m.	Other Services	370,000
n.	Equipment	7,000
		$727,000

Office of Education (1050)

2.0 Increase for additional staff support: +3 CFT Pos; +$183,000. This increase of three positions provides for the establishment of a D.C. Office of Education. These functions have been funded over the past six years, within the Executive Office of the Mayor, by nonappropriated funds. The Executive is responsible for providing overall coordination and monitoring functions in such areas as services for children, post secondary training, and interagency educational services (corrections, special education, adult education).

Office of the Secretary

SENATOR NICKLES:
1. The FY 88 Budget Request includes an increase of 70 percent in the "Official Representation Fund" for the City Council and the Office of the Mayor. Please explain the need for an increase of this size in this account?

MR. CROPP:
1. The original "Ceremonial Fund" was established by law in 1947, for the purpose of providing the District of Columbia Commissioners a fund to conduct appropriate and expected ceremonial activities. The funding level was increased in FY 1976 to $15,000 in recognition of the expanded responsibilities of the newly established elected government and to fund activities associated with the celebration of the nation's bicentennial.

Based upon the consumer price index for the Washington, D.C. area, the purchasing power of a $15,000 fund approved in 1975 has decreased by 50% to $7,500 today. Further, the Mayor and the Council are expected to perform many ceremonial functions over the next five years, in connection with the bicentennial celebration of the city of Washington, D.C. and the United States Constitution.

The newly established "Official Representational Fund" will be equally available to the Mayor and the Council.

DEPARTMENT OF ADMINISTRATIVE SERVICES

SENATOR NICKLES:
2. Last year an additional 85 positions were created. In FY 88 the Department is requesting 25 additional positions. What functions will these individuals perform? Are these positions for new needs identified by the Department or to expand on-going programs?

MR. LAMBERT:
2. No positions are being requested in the FY 1988 budget for the Department of Administrative Services. Therefore, a negative response is submitted to this question.

SENATOR NICKLES

1. **What additional funds will be needed in FY 88 to implement the Unified Personnel Payroll System? Is it intended to integrate the Saint Elizabeth's payroll system into UPPS? What will be the cost of such an effort?**

N. ANTHONY CALHOUN

1. **Funds needed to implement the Unified Personnel Payroll System in FY 1988 will be used for two computer programmers at a cost of approximately $70,000 per annum; two payroll clerks at approximately $35,000; four personal computers, $24,000; two computer terminals and one controller, $6,600 -- a total cost of $135,600.**

   Yes, St. Elizabeths payroll will be part of the integrated system. The cost to the Office of Financial Management will be approximately $35,000 for two payroll clerks and $3,200 for computer terminals. There may be some additional costs incurred by the Office of Personnel Management to load the system.

DEPARTMENT OF FINANCE AND REVENUE

SENATOR NICKLES
1. The Budget document indicates that closure of delinquent cases will decline from FY 87 to FY 88. Please explain.

MR. JONES
1. The Department is in the process of installing a new Business Tax Information System with an accounting feature that will accumulate all open accounts for each taxpayer under one master record. Accordingly, we will monitor accounts by taxpayer and tax type, rather than by the number of tax periods, the method used previously. This will result in a reduction of "cases" closed, but not in the tax periods involved.

D.C. OFFICE OF PERSONNEL

SENATOR NICKELS:
1. You are requesting an increase of 34 positions and $1.7 million for FY 88. Please provide for the record a breakdown of the functions those persons will perform and the dollars involved.

MR. THORNTON:
1. The 34 positions are requested to assume the existing personnel and labor relations programs at St. Elizabeths Hospital on October 1, 1987 as required by Public Law 98-621. The personnel complement requested will provide the full range of position classification, employee relations, recruitment, employment, employee development, training, incentive awards, performance evaluation and collective bargaining functions for approximately 3,000 employees of St. Elizabeths Hospital. The personal services costs associated with these positions is $1,282,000. The remaining $394,000 of the requested increase provides for scheduled costs of within-grade increases and pay adjustment costs for existing positions, and non-personal services funds for support of St. Elizabeths Hospital functions and increased telephone costs.

DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT

SENATOR NICKLES:
1a. You are responsible for implementing the Mayor's Development Zones for Wards 6, 7, and 8. What are the major components of this proposal?

MS. THOMPSON:
1a. Designation of three areas in Wards 6, 7, and 8 as Development Zones is to establish a comprehensive planning and implementation program to accelerate production of an acceptable mix of retail and mixed-income housing and, in appropriate sectors, light industry in some of the city's neighborhoods most in need of revitalization. Components include regulatory streamlining, job training, housing assistance, child care, community support services in recreation and crime and drug abuse reduction, capital improvement expenditures, energy conservation, and public housing comprehensive case management.

SENATOR NICKLES:
1b. What level of funding or tax incentives will be required to make it successful?

MS. THOMPSON:
1b. The total funding target will be about $160 million to be reached over the next five years. Other funding goals will be established for subsequent fiscal years. Tax incentives under the proposal include: property tax abatement on new and rehabilitated commercial and industrial real property; refundable tax credit to Zone businesses for wages paid to qualified D. C. workers; refundable tax credit to Zone businesses based on workers' compensation payments on qualified workers; waiver of tax liens and water and sewer debts owed to the District; and, for five years, total property tax abatements to first-time homebuyers in the Development Zones.

SENATOR NICKLES:
1c. Have there been any specific accomplishments to date?

MS. THOMPSON:
1c. Yes. The full resources of District government are committed to this crucial program. Nine committees have been formed to develop specific, interagency action plans in the following areas: site office location; data tracking; financing/venture capital; industrial parks/incubators; insurance; day care; public housing case management; capital improvements; and, marketing and public information. Preliminary steps toward site office establishment have been taken. An assessment of security needs has been done of the Police Department. An assessment of existing day care facilities is being done to determine the extent of expansion necessary. Sources of venture capital for start-up businesses are being explored. Tax abatement legislation has been submitted to the Council by the Mayor. Regarding public housing case management, funds have been identified for design of a concept, methodology and implementation strategy to bring Frederick Douglass and Highland Dwellings residents to a greater level of self-sufficiency. A Mayor's Order has been drafted requiring a data tracking system for comprehensive monitoring and management for improvement of Zone social and economic conditions. A master concept plan for the regional center in the Anacostia Metrorail Station area has been initiated. Efforts are being made to identify ways to minimize the high insurance rates for small businesses in the Zones. Zone businesses are being surveyed to determine their energy conservation needs. Briefings have been held in the Neighborhood Partnership groups from Wards 6 and 8 and with several, individual community groups, as the resident community is involved as the most important part of the Development Zones Program.

SENATOR NICKLES:
2. The FY 88 budget request includes an over 100 percent increase in both staff and funding from FY 87. Please explain the need for this increase.

MS THOMPSON:
2. The FY 1988 budget request for the Office of the Deputy Mayor for Economic Development includes the first appropriated budget for the newly established Office of Banking and Financial Institutions (OBFI). The OBFI portion of the request is for ten positions and $664,000.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

SENATOR NICKLES:
1. The FY 88 budget request indicates an increase of over 150 percent in new positions and a 300 percent increase in funding from FY 86, yet actual public housing units have remained static and modernizing public housing is proposed for only a slight increase. Please explain the need for this increase in staff and resources.

MR. POHLMAN:
1. The FY 1988 appropriated budget request for the Department indicates an increase of 52 positions or 59 percent in new positions, and a $27,574,000 or a 167 percent increase in funding from the approved FY 1986 budget. These percentages reflect increases of positions and funds for many new initiatives that address major requirements related to housing,

community, and economic development activities in the District, as well as initiatives directly related to Public Housing. The increases requested for Public Housing have not been contingent upon growth of the number of units in the Public Housing inventory or increase in modernization activity, but have focused on their improved operations and stabilization.

The FY 1988 appropriated budget submission for the Department reflects an increase of 37 continuing full-time positions and $23,415,000 from FY 1986 to FY 1987. This amount includes $6,389,000 in approved FY 1986 authority and the actual FY 1987 increase of $17,026,000. The actual FY 1987 increase reflects 15 positions and $10,306,000 for the Tenant Assistance Program, 4 positions and $64,000 for the Distressed Properties Improvement Program, and 4 positions and $65,000 for the Alabama Avenue Renaissance Project. In addition, the total FY 1986 through FY 1987 increase reflects 3 positions and $46,000 for the Land Acquisition Program, 9 positions and $263,000 for the Office of the Director, and 2 positions and $84,000 to provide overall management direction for the Public Housing Modernization Administration. The total increase also reflects $2,000,000 to implement the Homesteading Administration, $145,000 for the 1987 pay adjustments, $51,000 for within-grade increases, $92,000 for personal services annualizations, $47,000 for equipment, supplies, and communications, $3,015,000 for the Home Purchase Assistance Program, $400,000 for the Rehabilitation Financing Program, and $448,000 for the Resident Maintenance Program.

For FY 1988, the Department is requesting increases of 15 continuing full-time positions, 8 term full-time positions, and $4,159,000 from FY 1987. This reflects 15 positions and $294,000 for the Skilled Trade Staff for Property Maintenance Program, $3,139,000 for the Private Unit Leasing Program, $1,000,000 for the Resident Maintenance Program, $300,000 for the Public Housing Maintenance Staff Training Center, $250,000 for the Urban Homesteading Program, and $873,000 for the Housing Finance for Elderly, Dependent, and Disabled Program, and a base reduction of $2,500,000 from the Tenant Assistance Program. Nonpersonal services also reflects an increase of $15,000 for supplies and $124,000 for computer software and equipment necessary to support requested positions and programs. Communication costs will also increase by $45,000. Personal services increases reflect $87,000 for pay adjustment, $32,000 for within-grade increases, $299,000 for personal services annualization, and 8 term full-time positions and $201,000. The term full-time positions will (1) monitor the financial activities and provide assistance to the Property Management Administration and the Public Housing Modernization Administration, (2) execute and monitor the Homesteading Administration activities, and (3) alleviate the workload of the Real Estate Appraisal Program.

The Department's FY 1988 appropriated budget request not only makes provisions for improved standard living conditions in public housing dwelling units, but also increases the available options for providing homeownership opportunities and affordable housing, as well as restoring declining neighborhoods, and fostering economic independence of residents. Through the above mentioned programs, the Department's goals of improving housing, community, and economic development are addressed.

Department of Employment Services

SENATOR NICKLES:
1. The budget request for FY 88 assumes a small expansion in the size of the summer youth program. Of the 11,660 persons who were provided jobs in FY 87, how many received work with the District of Columbia and how many found employment in the private sector? What was the average duration of these jobs? How many of these youths have previously received work through this program? Are you reaching people who don't read? Do public service announcements (PSAs) work? What evidence do you have that PSAs are successful?

MS. ROBERSON:
1. The Youth Employment Act summer program will provide, through local appropriation, 11,660 jobs for District youth. Of this total, approximately 1,200 jobs will be in the private sector in non-profit and for-profit businesses.

The subsidized summer effort is seven weeks long. Youth that receive unsubsidized jobs may work as long as the employer requires their services. To date, the private sector has made available 560 jobs for our youth. Most of the youth participating in the summer program for the first time are the 14 year olds. We estimate that approximately 80 percent of the 15-21 year olds in the program have previously worked through the summer program.

Our public relations effort is an extensive one that encompasses both radio and television air time (paid and public service), as well as on-going advertisement in the print media. We work in conjunction with the D.C. Public Schools and the Catholic Archdiocese who announce the program in the schools. Our experience has been that the public service announcement is not very successful. We have observed far greater turnouts from paid air time (radio) and interviews by the various television news departments.

OFFICE OF INTERNATIONAL BUSINESS

SENATOR NICKLES:
1. You are proposing to create a new Office of International Business in FY 88. The budget document indicates that this office intends to assist 200 firms in export promotion and to establish four sister city economic

relationships. What office is currently performing these activities?

MR. COX:
1. The office which currently performs the functions of counseling and assisting firms in exporting their services/goods is the International Business Development Section under the Office of Business and Economic Development. As indicated in the FY 1988 budget submission, the functions, funding and positions which make up the International Business Development Section will be transferred out to form the Office of International Business. Sister-city relationships which have provisions for cultural, technical as well as economic exchanges, are established by contact between municipal officials of a foreign capital city and officials of the D. C. government including the Mayor, the Chairman of the City Council and staff from the offices of the Secretary of the District, the Mayor's Special Advisor for International Affairs, the First Lady and International Business. Economic accords such as the one established between Washington, D. C. are established through contact with the Mayor, the Chairman of the City Council and the Office of International Business.

SENATOR NICKLES:
1a. How many firms are presently being assisted in export promotion?

MR. COX:
1a. This office is currently counseling seven local businesses in exporting services and goods.
Counseling consists of providing technical support in the form of market analysis, providing buyer contacts/trade leads, finding financing resources, and developing export plans.

SENATOR NICKELS:
1b. Are the sister city relationships currently in place or will they have to be developed and established in the coming fiscal year?

MR. COX:
1b. There are three sister city relationships currently in place. They are the Washington, D.C./Bangkok, Thailand Sister City Agreement established in 1962; the Washington, D.C./Dakar, Senegal Sister City Agreement established in 1960; and the Washington, D.C./Beijing, P.R.C Sister City Agreement established in 1984. There is also an economic accord between Washington, D.C. and Brussels, Belgium which was established in 1986. The Office of International Business will be working to make additional government-to-government contacts in order to establish other sister city and economic relationships which will, in turn, lead to increased economic growth in the District.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

SENATOR NICKLES:
1. In FY 1987 the department received an increase of 97 positions. In FY 1988 it is seeking another 34 positions. Please explain.

MR. MURRAY
1. The FY 1988 budget request for the department shows an increase of 34 positions. Of this 34, 11 are positions tranferred-in from the Commission on Licensure to Practice the Healing Art, and 23 are new FY 1988 positions. The 23 new positions respond primarily to Insurance Administration initiatives to provide increased rate and policy for analysis, market availability studies, insurance investigations, and a Consumer Services Program; and the plan review and inspectional requirements of the St. Elizabeths Hospital complex.

SENATOR NICKLES:
2. How many of the new positions will be associated with the takeover of St. Elizabeths Hospital? What functions will these individuals be performing?

MR MURRAY:
2. There are ten positions in the department's FY 1988 request associated with the transfer of St. Elizabeths Hospital. Four positions are within the Building and Land Regulation Administration to perform the necessary inspections and reinspections to ensure that compliance with the District's building codes and regulations is maintained. Five positions are within the Service Facility Regulation Administration to conduct the required health standards inspections and the necessary survey and monitoring activities to ensure patients receive appropriate and quality service. One position within the Housing and Environmental Regulation Administration will conduct inspections to ensure conformance with District housing business regulations.

METROPOLITAN POLICE DEPARTMENT

1. SENATOR NICKLES: You have placed a major emphasis on crime prevention efforts through the Neighborhood Anti-burglary program, The Citizens' automobile identification program and the drug busters program. What level of resources have been devoted to these efforts? Is it possible to measure the success of these programs? Have they been successful?

1. MAURICE T.TURNER,JR: The Metropolitan Police Department recognized that greater emphasis must be directed into the area of community crime prevention in order to better manage and reduce criminal activity in the District of Columbia. In March 1986, the department put into effect the Police and Citizens Together (PACT) Program. PACT is a comprehensive crime prevention concept and strategy that is designed to heighten citizen crime-prevention awareness, expand Neighborhood Watch and to foster greater citizen involvement in the apprehension of criminals. Two activities of PACT, the GOTCHA Program, which focuses on the apprehension of the ten most wanted repeat offenders, and the Drug Dealer Reward

Program offer rewards of $1,000 to $25,000 for information that leads to the arrest and indictment of criminals.

The department's Community Relations Division has established PACT in each of the seven (7) police districts. The 83 officers assigned to Community Services and Community Relation have concentrated a part of their normal tour of duty to PACT. Officers have been holding weekly and monthly meetings and dispensing brochures and other literature in every community of the city. Approximately $66,000.00 has been spent to promote citizen participation in PACT.

Specifically, Citizen support for the Neighborhood Anti-burglary (NAB) Program, the Citizen's Automobile Identification Program (Citizens A-ID) and the Drug Busters Program has been outstanding.

Almost 8,000 new households have signed up as participants in NAB. Citizens are marking their property with their Social Security number and approximately 7,000 have received a specially designed luminescent address shield that is captioned with "Neighborhood Watch" and "Police marked Property". This address shield is conspicuously placed at the rear of a residence to deter potential burglars and to aid police in finding rear entrys to addresses. Block captains have been trained and certified and neighborhood meetings with police are held frequently to discuss crime problems.

The Citizen's A-ID program is making car owners more aware of the many problems contributing to auto thief: i.e. leaving keys in cars, leaving vehicles unlocked, not parking in well-lighted areas. The program also provides information on alarm systems and locking devices. The public message is to encourage citizens to become more security conscience and thus reduce the chance of automobile owners becoming victimized. Additionally, more than 4,700 District registered vehicles have had the vehicle identification number etched into the vehicle's windows to deter organized theft-for-parts operations.

The Drug Buster Program is an educational strategy to provide drug-prevention information to elementary, junior high and senior high school students. The objective of this effort is to deter students in our community from experimenting with drugs and provide those youth using drugs with all the facts concerning usage and treatment. The program is designed to expose students to the most timely and accurate substance abuse information to encourage them to resist peer pressure and the ongoing temptation that leads to drug involvement. Films, lectures, tours, exhibits, pamphlets and brochures are used to encourage youngsters to say "No to Drugs"

Although the department has not yet conducted an evaluation on the PACT program, we believe PACT has motivated citizens to become more involved in crime prevention at the neighborhood level. It has increased participation in

Neighborhood Watch during a period when participation was beginning to wane, also thirteen rewards have been given out to citizens totalling $34,000. Therefore, we believe that PACT has been very successful.

2. SENATOR NICKLES: Are all uniform Police Officer position fully funded? If not, what level of funding would be required to reach this level?

2. MAURICE T. TURNER, JR: The Metropolitan Police Department is authorized 3,958 uniform police officer positions, of this number, 3, 855 are funded and 103 are unfunded. In order for the department to achieve its authorized level an additional 103 uniform police officer positions would have to be funded.

Based on the current starting officer salary of $22,978.00 the amount needed to fund 103 uniform officer position is $2,700,000. This includes $169,950 for uniform expenses.

FIRE DEPARTMENT

SENATE NICKLES

1. As you know, there has been considerable attention given to the District's ambulance service in recent weeks. According to the *Washington Post*, there have been eight reported incidents in which emergency teams were slow in reaching people who subsequently died. The *Post* also reported that the District's average response time is over 10 minutes, which compares unfavorably to cities such as Baltimore (4+ minutes), Kansas City (5 minutes), Pittsburgh (6.7 minutes), and Fairfax County (5.7 minutes).

a. How do you account for the large discrepancy between the District and other comparable jurisdictions in the average response time?

b. So you intend to alter the current policy of establishing priorities for the urgency of response? Has this policy served you well given recent occurrences of delays?

CHIEF COLEMAN

1.a There are many dissimilarities that should be taken into account when comparing response times.

First, the starting and ending points of the calculation. Some jurisdictions start their time from when the unit leaves its station. The District starts its time from when the dispatcher first answers the telephone.

Also, some jurisdictions end their time when the first unit arrives on the scene be it a fire truck or an ambulance. The District's disputed 10.5 minutes is the time an ambulance unit takes to arrive on the scene regardless of whatever other units have arrived.

Second, there are many physical limitations that differ, e.g., the area of the jurisdiction, traffic conditions, and the starting points of the units.

Third, some jurisdicitons do not transport patients if the ambulance crew on the scene determines they do not need an ambulance. Also, some will not give the patient a choice of hospitals. The District will always transport and the patient can insist on a particular hospital. These different circumstances affect the predisposition of people to call on their ambulance services and the time ambulances are tied up on each call.

Fourth, the ambulance service's share of the city's total health care responsibility, the part of the patient transport burden it absorbs, and the number of private physicians or health clinics available, where they are and what they cost the patient are all factors that influence the availability of emergency ambulance services.

Finally, what resources does the ambulance service have? Are they always adequate to the task they are assigned? Or will scheduling become a problem and create delays as is at issue in the District?

1.b The priority dispatch system was implemented as an experiment to test whether or not we could differentiate between serious emergency calls and those that were not so serious. And, if we could, then husband some of our ambulance resources for those serious emergencies. As an experiment, the system is under constant review.

Currently we find ourselves in a "Catch 22" situation. If we send all of our ambulances out indiscriminately, we may find ourselves with another call - of a serious nature - with no ambulance available while a majority of our units are tied up on non-serious calls. In this case, response would be delayed until a unit came in-service. Under the priority system, we have a better chance of having a unit available for that serious call; however, we also have the chance that the exchange between the caller and dispatcher will not give adequate information to properly prioritize the call and we delay the response because of this. Either way, the net result is that on occasion our ambulance response to a serious call is going to be delayed; only the reasons for that delay is going to be different. There can be no certainties unless we have unlimited resources to immediately dispatch an ambulance in all cases. Barring that we are making our best effort to figure the probabilities and make the best response we can.

SENATOR NICKLES

2. Acting Deputy Fire Chief McEldon Fleming recently announced a series of improvements that would be implemented to respond to the growing problem of ambulance service. However, the Washington Post has recently reported that he may be reassigned due to disagreements with Fire Chief Theodore R. Coleman. These matters leave the appearance of a program which is in serious disarray.

a. Can you assure the committee that the organizational problems within the Fire Department will be resolved soon?

b. Will you be implementing the changes announced by Mr. Fleming, namely making a medical supply van available around the clock, making five reserve ambulances available on a 24-hour basis, hiring new dispatchers and providing emergency medical training to the dispatchers?

c. Do you intend to add any new equipment or upgrade any existing vehicles?

CHIEF COLEMAN

2.a The District is moving through the expected phases of the problem solving process. First, the report of the Mayor's Emergency Medical Services Advisory Committee identified and defined some problems in the emergency ambulance service. We are now in a period of determining an appropriate solution. Naturally there will be differences of opinion during this period. The purpose is to give full consideration to the widest range of options. What makes it so controversial is that the press is amplifying, in a negative light, each difference of opinion and ignoring areas where there is agreement. Regardless, the District is working hard to develop the best possible organization within the resources available.

2.b & c Yes. Plans are being developed to provide the ambulance service with all of the additional resources it needs. Not all of the plans are completed but some major decisions have been made. Part of these costs is reflected in this budget request and part will be requested in subsequent requests.

Major decisions that have been implemented are as follows:

(1) The Commissioner of Public Health has been given direct oversight over the entire emergency ambulance service.

(2) A program has been undertaken to immediately qualify all firefighters and communications operators as emergency medical technicians and to fill all emergency medical technician positions and train them to the required levels.

(3) The qualifications, training and classification of emergency medical personnel are being reviewed for appropriateness to their task. A highly qualified director is being sought.

(4) The communications system is being redesigned, expanded and improved.

(5) Additional equipment and supplies are being purchased and made ready for use. Back-up and support systems are being strengthened.

(6) A public education program is being undertaken to teach the appropriate use of emergency ambulance services.

(7) Supervision and program monitoring are being increased at all levels.

The improvements will take time and some of them will be expensive; however, they will be necessary if the District is to build a model emergency ambulance service which can provide, in all cases, the appropriate and excellent service that citizens and visitors in the Nation's Capital deserve.

SENATOR NICKLES
3. What do you estimate it will cost to resolve the problems with the city's ambulance service?

CHIEF COLEMAN
3. Since plans are still being developed, I think it is premature to put a total price on the ambulance services' needs. However, I will say some of the proposals that will be considered are going to be very, very, expensive and their affordability will be a serious part of the consideration.

SENATOR NICKLES
4. I draw your attention to two Washington Post articles, one dated January 15, 1987, and the other dated April 11, 1987, in which reference is made to a July 1986 report regarding ambulance service. The report cites inadequate equipment, poor communications, poor training, lack of medical control and organizational problems. At the time the report was issued it was dismissed as largely inaccurate by Fire Chief Coleman.

a. Is this report still considered to be inaccurate?

b. What steps have been taken to implement the report's recommendations?

c. Why has it taken you nine months to respond to this matter?

CHIEF COLEMAN
4.a The basis for most of the press' reporting is the report of the Mayor's Emergency Medical Services Advisory Committee which was developed to address problems in the emergency ambulance service. Some of the criticism is deserved and some of it is undeserved; however, raising the issue has caused the District government to undertake an extensive review of how the service is delivered with the objective of making improvements where they are needed. Please remember this is a very large and busy service. Each year it responds to over 100,000 calls. Those that are being criticized represent a very small part of the whole. However, inappropriate response, even in this very small part, is unacceptable to the District. As I said before, the Mayor is building a plan to improve the ambulance service based on the report's recommendations and subsequent findings. The improvements will take time and be very expensive. To implement them the District must also plan how they will be financed.

4.b I just outlined the major steps that have been taken in answer to the report and other findings.

4.c. We did not wait nine months to respond. Actually, the report took advantage of a lot of analytical work and planning that was already on-going when the committee began. The FY 1988 budget contains request of $471,000 for ambulance training; $150,000 for ambulance supplies; and $566,000 to design improved communications. These items were placed in the budget in December 1986 to address some of the problems in the service.

The much maligned priority dispatch system is an effort at management improvement and that was implemented in October 1985 and studied and developed a long time before that.

In FY 1985, improved staffing for ambulance units was approved and two new units were added. In FY 1986, three new units were authorized and five communications operators were added. In FY 1987 again staffing was improved in both the Ambulance and the Communications Division by adding 17 positions each.

So, I don't think that you can say the District has not tried to be responsive to the needs of the ambulance service. Perhaps it has not been responsive in the precise manner the Washington Post would like but it has been very responsive with its scarce resources.

OFFICE OF THE CORPORATION COUNSEL

SENATOR NICKLES:
1. The FY'88 budget request includes 15 new positions. How many of these positions are associated with support for the Saint Elizabeth's Hospital Reorganization Plan? What functions will the other new positions be performing?

MR. COOKE:
1. Of the 15 new positions, 6 are in support of the Saint Elizabeth's Hospital Reorganization Plan. The remaining 9 positions include the conversion of 4 temporary full-time positions to permanent status for the prosecution of medicaid fraud violators, and 5 positions are in support of correctional litigation matters.

SETTLEMENTS AND JUDGMENTS

SENATOR NICKLES:
1. Given the steady increase in the size of average judgments payments and average settlement payments, will the $500,000 increase in FY'88 be sufficient?

MR. COOKE:
1. Based on recent evaluations of current cases, our actual expenditures are likely to be much closer to $8 million than the $7.1 million budgeted, since we have recently had to settle a personal injury case for over $1.4 million. It is anticipated that this settlement will come out of FY'88 funds. Going to trial in such a case might have resulted in a jury verdict of a far greater amount. We are presently in trial in a similar personal injury case which could result in a very large jury verdict. That case was not settled because we have a strong liability defense which may ultimately be resolved in the D.C. Court of Appeals.

SENATOR NICKLES:
1a. Are these figures based on past history, cases pending or anticipated sues? Are there currently any suits pending or in litigation against the District of Columbia that could exceed $500,000? Please identify and indicate the recent disposition of these cases.

MR. COOKE:
1a. The figures are based on all three of these items. The trend line for our settlements and judgments indicates a gradual but steady increase in settlements and judgments totals over the past 5 years. For example our total settlements and judgments for FY'85 were

approximately $6.5 million. Our total settlements and judgments for FY'86 were $7.1 million. Those figures show an increase of 7 to 8 percent from the previous year. We also know from past history how many lawsuits we can expect in a given year and approximately how dangerous they will be. In fact, each year we report to our auditors the cases that we evaluate as potentials for judgments exceeding $500,000. This year we identified 35 such cases, among the thousands of lawsuits we have. In the same report, we tell our auditors what has happened in any lawsuits that have been removed from the list from the previous year. These reports are kept strictly confidential because it would certainly inure to the detriment of the District of Columbia Treasury if our opponents in these lawsuits knew that we evaluated their case at such a high level, and would result in great difficulty in settling the lawsuits at lower amounts (which is something that we have had substantial success in doing over the years).

DEPARTMENT OF CORRECTIONS

SENATOR NICKLES:
1. Recently, much attention has been focused on the severe problem of AIDS in the District of Columbia. A large number of the District's prostitutes are said to be carriers of the virus that causes AIDS and, most recently, the prison population is said to have a great percentage of inmates who are also infected with the virus. My question is: Just how pervasive is the problem of AIDS in these populations.

MR. WILLIAMS:
1. All newly committed prisoners to the D.C.D.C. are given physical examinations which look for signs and symptoms suggestive of infection with the AIDS virus. A full health history is also taken of each patient. There is no mass screening for the AIDS virus. High risk groups such as homosexuals, bisexuals and IV drug abusers are not given an AIDS antibody test unless a physician observes clinical indications which require such a test. Prisoners charged with prostitution are provided an antibody test when clinical indications are present. The level of infection found in prostitutes in the free community is monitored by the Commissioner for Public Health.

There are currently two AIDS patients committed to the care of the Department of Corrections. All AIDS patients, per department policy, are housed at the D.C. General Hospital where full support services are provided. There are currently 54 sero-positive patients in the Department of Corrections.

SENATOR NICKLES:
2. What is being done about this problem?

MR. WILLIAMS:
2. The department is addressing the problem of AIDS in the prison community through a program of education for prisoners and staff. All prisoners entering a Lorton facility receive a comprehensive class from our educational services and lectures are being presented each week at various institutions by a representative of the Whitman Walker Clinic. There are plans now being formalized to extend the same program to the Detention Facility. Educational brochures are presently being made available to committed persons.

SENATOR NICKLES:
3. How is AIDS handled by D.C. correctional institutions?

MR. WILLIAMS:
3. All prisoners testing positive for the AIDS virus are counselled and referred to appropriate health and social service resources within the prison community. This includes family counselling, with the consent of the patient. The department, in keeping with the majority of jurisdictions in the nation, does not restrictively house sero-positive patients. Those sero-positive patients with clinical needs to be housed in a medical facility are placed in one of the department's infirmaries.

SENATOR NICKLES:
4. Would more information about persons who are at high risk of contracting the virus which causes AIDS be helpful in dealing with this grave problem?

MR. WILLIAMS:
4. Yes. The Department of Corrections is working closely with the Public Health Commission to develop a more accurate epidemiologic profile of our inmate population.

SENATOR NICKLES:
Please explain for the record the functions to be performed by the 366 new positions. In addition, please provide a further description and funding levels for the proposed increases for FY 88.

MR. WILLIAMS:
The functions to be performed by the requested 390 new positions are myriad but essentially focus on three priority areas: administrative management, security, inmate programs and service delivery. Under each of these areas of concentration the following functions are performed:

Administrative Management: Comprehensive management analysis to better utilize available resources. Enhancement of executive direction, management, and control over administrative offices, operational units, and major support services. Assistance to manager and support staff for improving specialized training for personnel in pre-service and in-service programs. Provide assistance to managers for budgetary planning and financial report activity. Implementation of department policy and goals. Coordination of public relations strategies and presentation, labor-management relations, and community volunteer activities. This accounts for 19 of the positions requested.

Security: Deployment of correctional personnel to provide for secure agency institutions for inmates, staff and the community. Implementation of the provision of prescribed custody level maintenance as mandated by department orders and where applicable, court-orders. Timely transport of inmates for court-hearings and for medical-related trips. Surveillance of institution program facilities, dormitories and cellblocks. Supervision and surveillance of visiting halls, vocational and recreation areas. Immediate referrals to supervisory and professional institution personnel for aberrant inmate behavior. Immediate response to any disturbances and any inmate requests for protective custody. This accounts for 248 of the new positions requested.

Inmate Programs: Educational (Academic/vocational) evaluation and instruction of inmates. Psychological testing, referral, counseling (group and individual) and follow-up/intervention for all inmates. Provide initial classification, assignment of custody structure and development of a planned program of institutional activities designed to meet the individual needs and abilities of particular inmates. Implementation of recreational activities designed to serve as a physical and creative outlet for inmates. Clerical support activities (typing, filing, transcription, data-entry and retrieval, etc.) relative to the implementation and execution of all inmate programs.

Increased positions will also function in the areas of computation of inmate sentences, recording of inmate movement, disciplinary hearings, evaluations, program participation, routing of completed inmate records, etc. Preparation, serving of food and maintenance of related food service facilities. Menu formulation to effect compliance with prescribed nutrition and portion guidelines.

Vocational liaison activities to secure job programs for work release status inmates and applicable follow-up to determine work performance and effectiveness. This accounts for 123 of the new positions requested.

A description and the funding for proposed FY 88 increases are as follows:

Base employment levels will be sustained through increases to cover the cost of within-grades, the proposed September 1987 pay adjustment, and annualization of positions associated with the FY 1987 opening of the Modular Facility and new community-based work release centers. With the $3,770,000 requested for these purposes, the agency will not suffer any loss from FY 1987 to FY 1988 due to insufficient funding of authorized positions.

Programs and services of the department which must grow to keep pace with the population and their needs have been provided through increased staffing and funding. This includes education and counselling programs, health care, and monitoring and provision for compliance with court orders and health and safety codes. This accounts for $5,500,000 of the increases.

The projected cost to house D.C. Code violators in federal facilities is fully funded with an increase of $4,975,000.

Security coverage has been significantly enhanced through increases of 248 positions and $4,465,000.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

Senator Nickles:

1. The FY 88 budget document indicates that a greater effort will be made by UDC to recover a greater portion of its operating costs from revenue and tuition. In this same vein, a management plan was developed to reduce costs. First of all, what level of tuition increase will be required to cover more of these costs? How does this compare with other area schools? Secondly, what savings have

been identified for FY 88? Given these efforts above, please explain the need for funding increases?

Mr. Ford:
1. The University's Board of Trustees approved a tuition increase for all students for academic year 1986-87. The tuition rates were increased to $600 for undergraduate resident students, $2,400 for non-resident undergraduate and graduate students, and $1,200 for resident graduate students. Depending upon student enrollment, these increases will cover more of the FY 1988 university operating cost. Additional tuition increases cannot be identified until final implementation of the Comprehensive Management Plan. Following is a comparative table of tuition rates for area universities for academic year 1986-1987:

Undergraduate	Resident	Non-Resident
UDC	600	2,400
Univ. of Maryland	1,344	4,220
Bowie State	1,224	2,544
George Mason Univ.	1,680	3,336
Howard University	3,500	3,500
Graduate		
UDC	1,200	2,400
Univ. of Maryland	92	163
Bowie State	1,314	1,314
George Mason Univ.	70	139
Howard University	4,100	4,100

In reporting tuition rates for the aforementioned universities, it should be noted that at the University of Maryland graduate resident and non-resident tuition is paid by credit hour. Additionally, at George Mason graduate fees are paid per credit hour and all student activity fees are included in the tuition.

The university implemented the first phase of the Comprehensive Management Plan in FY 1987 and was able to absorb $4.8 million dollars in its operating budget. Phase two of the Comprehensive Management Plan will include both the instructional and administrative components, and additional savings cannot be determined until final implementation of the plan.

Despite these efforts, the university will be unable to absorb the entire $8 million in unmet needs. Because of this, it is necessary for the university to request funding for within grades, the pay adjustment effective September 1987, accreditation of the engineering program, and funding for escalation clauses written into space rental agreements.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

SENATOR NICKLES:
An increase of 18 positions and $401,000 is requested for the Library. Please explain the need for these increases.

DR. FRANKLIN:
The increase of $401,000 and 18 positions is needed to staff a new branch library and for other various projects which will enhance and improve the quality of service provided by the D.C. Public Library. Note that this increase is a net amount resulting from base reductions as well as increases. More specifically, these increases and reductions are as follows:

-The new Shepherd Park Branch Library: This increase is for eight positions and $95,000. Seven of the positions are earmarked for the Public Service area and one for Building and Grounds. Of the additional funding, $85,000 will be used to cover the cost of the new positions. The remaining $10,000 is for book purchase.

-Restoration of the Martin Luther King Memorial Library staff: Six positions and $96,000 will be used to meet the growing demand for services at the downtown main library as well as improve the quality of service available to those already using the Library.

-Technical Services: The increase of $24,000 in Technical services will fund two new positions. As the book budget has increased sharply over the past few years, so has the workload involved with the preparation of materials for public use. The funding will provide the additional support so desperately needed in this area.

-Improved Security at Martin Luther King Memorial Library: A total of $62,000 and two positions will be used to hire additional police officers ($22,000) and to purchase replacements for obsolete remote surveillance cameras ($40,000). The main library building requires 24-hour surveillance.

-Staff Training and Development: An increase of $25,000 will be used to implement a staff training and development program to be administered by the Library's personnel office. The amount requested is based on actual expenditures for FY 1986 which were expended from federal funds and also includes a projection for future needs.

-Medical Monitoring: An increase of $8,000 will fund the cost of medical monitoring of employees who work in areas where hazardous materials such as asbestos are located.

-Book Fund Restoration: An increase of $125,000 will be used to continue the restoration of the Library's book fund. The Library's purchasing power declined in the 1970s to the point that only 80,000 books were bought a year compared to about 195,000 during the 1960s. Even though there have been increases since that time, they have only partially restored the loss.

-Carpet Replacement at Martin Luther King Memorial Library: An increase of $85,000 is needed to replace the worn floor covering on one floor of the Martin Luther King Memorial Library. The original carpet will be sixteen years old in 1988, and the heavy traffic has led to unsafe conditions in some areas.

Completely fill the space from line to line
Side to side and top to bottom.

- Custodial and Maintenance Supplies: A total of $30,000 will be used to purchase additional supplies needed to maintain the over 750,000 square feet of building floor space as well as the accompanying grounds. The cost continues to rise above the current available base.

The increases mentioned above total $550,000 of the Library's request. The balance of the increase ($487,000) will be used to fund salary/benefits annualization of $184,000; the mandatory pay adjustment in September 1987 of $164,000; and within grade increases of $139,000.

The FY 1988 base reductions which offset the total increase of $1,037,000 by $636,000 are the result of completion of the on-line catalog system installation ($286,000); and the one-time purchases of the basic book collection and equipment/furnishings for the new Shepherd Park branch ($350,000).

INSTRUCTIONS
Elite type preferred
(12 characters per inch)

DEPARTMENT OF HUMAN SERVICES

SINGLE SPACED

SENATOR NICKLES:
1. The FY 1988 request includes a substantial increase in staff and a modest increase in funding from FY 87. Presumedly a large portion of these increases are the result of the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act. Please provide a breakdown of all SEH employees that will be transferred to the District of Columbia as well as any new positions that will be required. In addition please provide the total cost of the transfer and any funding increases associated with the transfer of responsibility.

BYRON MARSHALL:
1. The staffing plan for the proposed D.C. Commission on Mental Health Services (Commission) calls for a total of 3,976 positions, of which 3,676 are full-time and 300 are part-time. The current workforce of the D.C. Mental Health Services Administration (MHSA) is approximately 375 staff. Therefore, the proposed Commission can accommodate about 3,600 staff from Saint Elizabeths Hospital (SEH). The current workforce at Saint Elizabeths is approximately 3,230. Assuming appropriate job matches within the existing workforce and attention to necessary retraining opportunities, the District Government plans to make job offers to all current staff at the Hospital.

As a general benchmark, the difference between the current staffing levels (3,605) and the Commission staffing pattern (3,976) yields a total of 371 "new" positions for the Commission. It should be noted, however, that the Hospital's current workforce is slightly over 200 positions below its authorized employment ceiling. The real source of increase, in both funding and staffing, is in the Commission's child and youth services program. This increase reflects a major committment to new programs for emotionally disturbed children, whereas the adult service program anticipates gradual shifts of resources from residential to ambulatory programs, rather than absolute increases.

Using FY 1987 as the base for computing increases, the SEH operating budget ($141 million) plus the MHSA operating budget, exclusive of the District payment to SEH ($18 million), equals a total base of $159 million. The FY 1988 Commission budget is $156 million and increased services by other D.C. agencies serving the Commission and its patients is estimated at $6 million; representing a net increase of $3 million. With respect to direct increases in costs to the District of Columbia government, the amounts are substantially greater by virtue of declining Federal support provided for in the Act. Assuming a stable Commission operating budget during the FY 1988-1991 transition period, the costs to the District will increase from approximately $102 million in FY 1988 (a $7 million increase over FY 1987) to $132 million in FY 1992.

In addition to increases in operating budgets during the transition period, the transfer will also involve increases in capital costs necessary to meet licensure and accreditation requirements. The FY 1988 DHHS appropriation request contains $26 million for this purpose. The District government however estimates a cost of $84 million for capital renovations to campus facilities which support an efficient, therapeutically satisfactory environment. The principal differences in the estimates arise from three sources: (1) Federal funding is withheld for renovations which result from changes in intended use of building nessitated by consolidation of campus programs to the East Side; (2) Federal funding is withheld for renovations to any building which is not designated for permanent use by the Commission (many buildings will be used during the five year transition period only); and (3) Federal funding is limited to strict code compliance requirements rather than to long-term improvements to basic building systems, and to maintenance of a therapeutically pleasing environment.

If additional Federal funding for capital renovations is not forthcoming, the costs to the District of the transfer will have to include these unfunded requirements, representing the difference between the $26 million Federal request and the $84 million District estimate, a net increase of $58 million.

D.C. DEPARTMENT OF RECREATION

SENATOR NICKLES:

1. Proposed program levels for persons attending the "FUN-IN-THE-SUN" Day Camps in 1988 are rather large. Please explain why the program levels are anticipated to increase so significantly over the 1987 attendance levels.

MR. JOHNSON:

1. There has been an increase in the number of working parents in the metropolitan area, as well as an increase in the number of single working mothers. According to the D.C. Department of Recreation's Division of Planning and Grants Management, by 1980, families headed by women with children were 45% of all women with

children. This in turn has significantly increased the attendance levels of our summer activities. We anticipate meeting the needs of the citizens by providing additional space within the "FUN-IN-THE-SUN" Program.

SENATOR NICKLES:
1a. Proposed program levels for persons attending the Senior Citizen Centers in 1988 are rather large. Please explain why the program levels are anticipated to increase so significantly over the 1987 attendance levels.

MR. JOHNSON:
1a. We anticipate the opening of five (5) new and/or renovated facilities to provide programs and services for senior citizens. In addition to these five (5) centers, we expect to increase our outreach, mobile leisure and recreational services to neighborhood centers, civic centers and/or church based senior service locations. These two operational enhancements will account for the significant increase in attendance levels in our 1988 operating year. The increase of five (5) centers in 1988 will raise the total number of senior service centers to eighteen.

OFFICE ON LATINO AFFAIRS

SENATOR NICKLES:
1. Funding levels for the Office increased nearly 400 percent in FY 87 while staffing remained the same. In FY 88 there is a request for 7 new positions but no appreciable increase in funding. Lastly, program efforts increased substantially in FY 87, but only modest increases are expected in FY 88. Please explain.

MRS. GILLESPIE:
1. The 400 percent increase in the Office on Latino Affairs' budget in FY 87 represents the agency's establishment of a new control center and four responsibility centers for monitoring of the Latino Initiative within the District of Columbia government. The Latino Initiative budget comprises $1.219 million of the Office on Latino Affairs' total budget of $1.911 million. The actual agency budget of $692,000 in FY 87 represents a 55 percent increase over the FY 86 total of $385,000, allowing the agency to effectively monitor the Latino Initiative and implement five programs. Latino Initiative funds are monies provided to ten other District government agencies through intra-District agreements with the Office on Latino Affairs. These funds were specifically earmarked for positions to increase Latino participation in District government as well as programs to increase Latino community access to city services. The Office on Latino Affairs monitored the implementation of the Latino Initiative during FY 87 and proposes to ensure the Initiative's continuity through monitoring in FY 88.

The request for seven new positions in FY 88 without any appreciable increase in funding results from the fact that the seven positions were included and filled in the agency's FY 87 budget as temporary full time positions. The request for FY 88 is conversion of the status of these positions from temporary full time to continuing full time.

During FY 87 the Office on Latino Affairs substantially increased its program efforts to complement the implementation of the Latino Initiative within District government. The Initiative represents a very specific framework for improving the city's response to the needs of a rapidly growing Latino community. Ensuring the continuity of the Initiative will require ongoing monitoring by the Office on Latino Affairs of programmatic efforts by participating District government agencies. The requested funding for FY 88 will adequately ensure that continuity.

QUESTIONS SUBMITTED BY SENATOR DOMENICI

BIENNIAL BUDGET CYCLE

SENATOR DOMENICI:
1. Calls for budget reform are increasingly heard as budget deadlines are too often missed, important budget decisions are delayed, appropriation bills and other direct spending legislation are held up in committee, and omnibus spending bills take the place of timely and orderly consideration of individual bills. One procedural reform that is being considered is the two-year budget cycle where budget and appropriations matters would be considered in the first year, and authorizations and oversight would be undertaken in the second year.

Would your department/agency favor a biennial budget process? What benefits would your agency achieve in a two-year appropriation cycle?

MAYOR BARRY:
1. The District has not studied biennial budgeting in depth and would like to consider the idea further. Our initial reaction is that although a biennial budget would provide the District some relief from the protracted annual budget process and provide time for District budget staff to work on other longstanding objectives, estimating revenue and expenditures accurately so far ahead of the budget year would be quite difficult.

Compared with federal agencies and other state and local governments, the District is unusual in having a very long budget process involving two legislative cycles--the District Council and the U.S. Congress--and the publication of two large sets of budget documents. This protracted budget production process devours time that could be better spent in analyzing the District's expenditure base and program performance and productivity--activities that would result in much better budgets and probably substantial savings. While a biennial budget would not eliminate the dual legislative process and budget documents, it would insert a year between these production ordeals and allow the District to accomplish other tasks, now shortchanged. The present state of constant production also precludes publishing an adopted budget like other state and local governments. When the federal government completes action on the District's budget in the fall, the District staff is already working full time on the budget for the following year and does not have the time to republish the budget. A biennial budget process would also reduce some of the uncertainty under which the District must operate. Agencies rating the District's credit have voiced concern that the District often does not have a budget or even spending authorization at the start of the fiscal year. Sometimes, the amount of the federal payment, a major District revenue source, is not known at this time.

SENATOR DOMENICI:
2. Approximately what proportion of your annual appropriation request would you consider simply repetitious of the previous year's submission?

MAYOR BARRY:
2. Virtually all of our Operating Budget, which summarizes the budget and the policy issues, is new each year. Some appendix material in this publication is merely updated, and a few narratives contain the same boiler plate descriptions. The four volumes of schedules supporting the General Fund operating budget contain new information on the changes to the budget, but many of the narratives describing agency mission and program content are somewhat repetitious from year to year. I would say that, in terms of pages, about 20 percent remain unchanged from year to year, except for new dollar amounts. The capital budget is the most likely candidate for biennial budgeting. About 60 percent of the annual capital budget provides authority for projects of a continuing nature, such as infrastructure repairs. Narratives describing these projects are virtually identical from one year to the next. Many other projects are already part of a six-year plan and, together with the infrastructure repairs, could be authorized two years in advance. The process should still provide ample latitude for adjusting the capital budget off cycle because emergency needs do arise.

SENATOR DOMENICI:
3. What difficulties can you foresee in preparing and submitting a two-year budget to the Congress?

MAYOR BARRY:
3. Because of its sizable accumulated General Fund deficit, the District must budget very carefully and manage very closely the implementation of the budget. Changes in the economy, court orders, and such exigencies as prison riots, however, require significant changes in budget authority during the budget year. The only practical window available to the District to accommodate these changes occurs in May. At this time, we develop a supplemental budget to match unexpected revenue changes with unanticipated expenditure changes. Under a biennial budget, the necessary budget adjustments would be even greater than the present changes since half of the original estimates would have been made much more in advance than currently. While the potential changes would be larger, we would be concerned that a Congressional biennial budget process might limit unreasonably the District's opportunities for finetuning both the current and the succeeding years' budgets. We might be able to adapt our requirements for close budgeting with a biennial federal process if the District were granted more budget autonomy off cycle for making budget revisions. Without increased flexibility stemming from some source, the District's ability to manage its budget closely would be impaired.

With the present budget calendar, the District would encounter great difficulty providing enough time for the District Council to review a biennial budget. The current 50-day period, mandated by the Home Rule Act, is barely adequate for reviewing the annual budget. Moreover, to provide actual revenue and expenditure data for the year just completed, this review period is currently squeezed into February and March, leaving an extremely short time to insert Council changes into a revised budget document for submission to Congress by April 15. It is doubtful that this time frame could accommodate a much larger biennial budget.

SENATOR DOMENICI:
4. Would you expect to realize any budget savings if you could plan your agency budget on a two-year basis? If so, could you estimate how much?

MAYOR BARRY:
4. Preparing a two-year budget would take more time than the annual budget--perhaps another two months. It would also increase the printing bill somewhat, depending on how the schedules were redesigned to accommodate the additional year. Council review and subsequent revisions for Congressional submission might require as much as an additional five weeks. Foregoing the usual costs of preparing and defending the next annual budget would, of course, result in savings. However, it is likely that even these savings would be reduced because of the need to revise the portion of the biennial budget that is for the succeeding year well before the beginning of that year. I envision an adjustment process that is somewhat longer and more complex than our present supplemental budget process. Although indeterminate at this time, on balance there probably would be some net savings from just these changes. However, I would argue that these freed up resources be devoted to thoroughly analyzing the District's expenditure program.

SENATOR DOMENICI:
5. If you oppose the biennial budget concept, please give this subcommittee your reasons why.

MAYOR BARRY:
5. The District wishes to study further the various advantages and disadvantages of biennial budgeting. We request that any change in the federal budget process not cause harm to the District which already has a difficult time fitting into both local and federal budget processes.

CONCLUSION OF HEARINGS

Senator REID. That concludes the hearings. The subcommittee will recess and reconvene at the call of the Chair.

[Whereupon, at 11:51 a.m., Thursday, May 7, the hearing was concluded and the subcommittee was recessed to reconvene at the call of the Chair.]

LIST OF WITNESSES, COMMUNICATIONS, AND PREPARED STATEMENTS

Page
Barry, Hon. Marion S., Jr., Mayor, District of Columbia 1, 141
  Prepared statement 3, 155
Blackshear, Patsy, Budget Director, D.C. Public Schools 115

Clarke, David A., Chairman, Council of the District of Columbia 172
  Prepared statement 175
Colvard, Dr. James, Deputy Director, Office of Personnel Management 35
  Prepared statement 38
Cropp, Linda, Chairman, Committee on Buildings and Grounds, D.C. Board of Education 115

District of Columbia Courts, an overview of 96
Domenici, Hon. Pete V., U.S. Senator from New Mexico, submitted questions 313

Franklin, Maj. Gen. Calvin, Commanding General, D.C. National Guard 1
  Prepared statement 14

Hall, David, President, D.C. Board of Education 115
Harkin, Hon. Tom, U.S. Senator from Iowa, submitted questions 253
Hendrickson, Carl F., Chairman of the Board, Metropolitan Washington Council of Governments, letter from 41

Marshall, Wilhelmina, Director, Legislative Affairs Unit, D.C. Office of the Budget 141
McKenzie, Floretta D., Superintendent, D.C. Public Schools 115

Nickles, Hon. Don, U.S. Senator from Oklahoma, submitted questions 287

Polansky, Larry P., Executive Officer, D.C. Courts 61
  Prepared statement 89
Pryor, Hon. William C., Chief Judge, D.C. Court of Appeals 61
  Prepared statement 68
Public Law School for the District of Columbia, Report of the Select Advisory Panel 182

Reid, Hon. Harry, U.S. Senator from Nevada, submitted questions 133
Rivers, David, Coordinator of Financial Team, D.C. Office of the Budget 141
Roberson, F. Alexis H., memorandum from 246

Siegel, Richard, Director, D.C. Office of the Budget 141

Turner, Carmen E., General Manager, Washington Metropolitan Area Transit Authority 49
  Prepared statement 52

Page

Ugast, Hon. Fred B., Chief Judge, D.C. Superior Court 61
  Prepared statement 76
Unemployment in the District of Columbia, a profile of 229

Washburn, Wanda, Chairman, Committee on Educational Programs, D.C. Board of Education 115
Welfare programs, different types of 242
Winter, Nadine P., Chairperson, Committee on Public Works, Council of the District of Columbia 1

SUBJECT INDEX

BOARD OF EDUCATION

Page

- Budget request 121
- English classes, pupil/teacher ratios in 117
- Fiscal year 1987 programs 120
- Head Start Program 124
- Homework centers:
  - Extending to other facilities 120
  - In public housing facilities 119
- Innovative lunch programs 130
- JTPA program in the District 131
- Juvenile justice initiative, involvement with 129
- Mayor and City Council, support of 121
- Montessori program:
  - Beginning of 126
  - Comparison of 128
  - Comparison with other programs 127
  - Evaluation of 126
  - Extending to other schools 127
  - Request by parents to extend 129
- Prekindergarten programs 122
- Public schools:
  - Feeding programs in 129
  - Progress made by 122
- School board:
  - Membership of 138
  - Terms of members 139
- School food administrator 130
- School system:
  - Full funding for 117
  - Montessori programs in 125
  - Partnerships with 117
- Student enrollment 122
- Student/counselor ratio 116
- Students going to college, number of 131
  - Attending local colleges 132

COUNCIL OF THE DISTRICT OF COLUMBIA

- Acquired immune deficiency syndrome:
  - Fiscal year 1988 budget request for funding 222
  - Highest percentage of prostitutes with 221
  - Large percentage of prostitutes with 220
  - Mayor's commitment to problem 248
  - Statistics in prison population 218
  - Testing in prisons 217
  - Testing of prostitutes 218

Page

Antioch Law School:
- Advisory committee's report ... 181
- Chairman Clarke's comments on ... 210
- Council rebuttal to advisory committee's report ... 211
- Debate regarding ... 211
- Different issues related to ... 212
- Loss of accreditation ... 181
- Mayor Barry's comments on ... 179
- Release of fiscal year 1987 funds for ... 213
- Support for a clinical law school ... 212

Congress, sense of the will of ... 250

Council:
- Comprehensive budget review by ... 173
- Legislation regarding prostitution ... 221

D.C. school of law, request for ... 173

Demonstrations at embassies, law regarding ... 249

Department of Employment Services, budget for ... 243

Disincentives to getting off welfare ... 243

District government, apparent corruption in ... 216
- Integrity measures implemented ... 217

Drug epidemic ... 221

Emergency ambulances:
- Civilian manager of ... 215
- Deaths related to slow response time ... 216
- Improvement in service ... 214
- Measuring true response time ... 214
- Number of calls and transports ... 214
- Real response time ... 214
- Reducing response time ... 215
- Response time of ... 213
- Upgrading services ... 215

Guaranteed Job Opportunity Act ... 244

Job programs, types offered ... 243

New prison facility, community involvement and parking at ... 222

Progress of District, pride in ... 179

Public works job programs ... 244

Sakharov Plaza signs ... 248

State Department, allowing interference by ... 251

Suburban Jobs Program ... 227

Taxicabs:
- Areawide service ... 225
- Establishment of commission ... 224
- Maryland and Virginia cabs in District ... 225
- Opposition to meters ... 226
- Terrible service in District ... 223
- Upgrading service ... 226

Unemployed:
- On welfare ... 228
- Profile of District's ... 228
- Structural and cyclical ... 228

Unemployment rate in the District ... 227

Welfare programs, different types of ... 241

COURT SYSTEM

Alcohol, testing for ... 69

Appeal cases, increase in the number of ... 63

Appellate court, number of judges on ... 67

Page
Arbitration program 75
Budget request 73
Cases:
    Long-range alternatives to reduce number of 65
    Short-range alternatives to reduce number of 64
Civil caseload, programs to handle 71
Court filings, increase in 63
Court of last resort, acting as 63
Court, change the rule of 65
Criminal and civil cases, time on appeal 92
Criminal caseload, programs to process 71
Criminal Justice Act:
    Funds 89
    Hourly rate paid lawyers 91
    Impact of operation cleansweep 92
    Increase in fees 91
Days from filing to disposition, average number of 64
DEA test results, six-week period for 94
Drug testing program 69
Drug tests by DEA laboratory, slow processing of 93
Family division, concerns in 72
Filings with other states, comparison of the number of 66
Hybrid representation 73
Incarceration, alternatives to 94
Increased filings, additional staff for 92
Intermediate court of appeals:
    Establishing an 65
    Status of 92
Intermediate court, acting as 63
Interpreter program 72
Joint committee on administration 62
Judges, increase in the number of 66
Juvenile justice initiative 74
Misdemeanor charge, arrest on 70
One-day, one-trial jury system 74
Probate and tax area, increase in 72
Probation, number of persons on 71
Public defender lawyers:
    Full-time, salaried 91
    Number of 90
Public Defender Service:
    Budget versus Criminal Justice Act budget 91
    Versus Criminal Justice Act program 90
Superior court, number of filings in 69

DISTRICT OF COLUMBIA SNOW EMERGENCY PROGRAM

Abandoned cars on the streets, problem of 20
Cars ticketed, number of 11
Congress and National Guard, support from 11
Correct decision 44
Department of Public Works, commending workers at 12
Government workers, phasing the departure of 21
Intergovernmental coordination, need for 50
Metro rail, deicing only portions of 59
Mobilization plan of the District 22

Page
National Guard:
  Adequate funding for 31
  Authority to call up 23
  Calling up 19
  Date assisted the District 24
  Examination of authority of Mayor to call up 25
  Law governing the use of 19
  Seeking help of 18
  Use in towing cars 26
New policy, consideration of 47
Office of Personnel Management:
  Concern over rule in snowstorm 10
  Conference call with District officials 16
  Consultation versus information sharing with 21
  Decision process 35
  Improving coordination with 16
  Need for cooperation 36
  Prior attempts to obtain cooperation with 10
Parking restrictions, delay in enforcing 18
Release by agency 46
Snow:
  Emergency laws in the District 26
  Need for additional equipment 29
  Release criteria 44
Snowstorm, lessons learned 11
Staggered release 42
Surrounding jurisdictions, cooperation with 12
Third rail icing problems 49
Transit authority, steps for improvement within 50
Trucks, number on street compared to Des Moines, Iowa 27
Urban Mass Transportation Administration, technical assistance from 59
Weather service, benefits of using same 17

OFFICE OF THE MAYOR

Abortions, use of local revenue for 154
Budget:
  Balancing 142
  Basic thrust of fiscal year 1988 152
  Highlights of fiscal year 1988 142
City, county, and state services of the District 151
Comprehensive contracting procedure 152
Federal government as a landlord, responsibility of 147
Federal payment, no increase in 143
Federal water and sewer payment:
  Accurate amount for fiscal year 1988 147
  Accurate meter readings 146
  Discounts on volume use 146
  Estimating for fiscal year 1988 144
  Federal government paying its share 145
  Letter from GAO regarding 144
  No authority for District to bill federal agencies 145
  No payment for 143
Metro system, federal funds to complete 148
Procurement and contracting, progress in 151
School-based health clinics 153

Page

St. Elizabeths Hospital:
  Federal funding for capital projects 149
  High cost of capital needs at 149
  Federal responsibility for 151
Teenage pregnancy 152
Water, conservation of 147

O

81-311 (328)